

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Viasat, Inc., Application to Participate in the	)	FRN: 0004963088
Rural Digital Opportunity Fund Phase I)	
Auction (Auction 904))	
)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
Phase I Auction	)	AU Docket No. 20-34
)	
Connect America Fund)	WC Docket No. 10-90
)	

APPLICATION FOR REVIEW OF VIASAT, INC.¹

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¹ By the accompanying request, Viasat seeks confidential treatment of this Application for Review.

SUMMARY

Viasat, Inc. seeks review of a series of decisions by the Rural Broadband Auctions Task Force, Office of Economics and Analytics, and Wireline Competition Bureau (collectively, the “Bureaus”) precluding it from bidding a low-latency low-Earth orbit (“LEO”) satellite Internet service in the Rural Digital Opportunity Fund (“RDOF”) Phase I auction.

Viasat sought to bid for RDOF funding to support its deployment of a LEO satellite system that would use existing technologies to provide low-latency, high-speed broadband to hard-to-serve areas of the United States. Viasat’s plans leveraged its extensive technical expertise designing and implementing satellite systems, as well as its experience providing mass-market retail broadband Internet service directly to millions of consumers throughout the United States over more than a decade.

Although Viasat amply demonstrated its ability to deploy a low-latency LEO system, the Bureaus, without any explanation, excluded Viasat from bidding its system in the auction (“Ineligibility Decision”). Viasat promptly sought an explanation (“First Petition”), and the Bureaus asserted—for the first time—that Viasat was ineligible because Viasat supposedly had not provided a “real-world performance example” of its proposed system. Ex. I at 3 (“First Order”).

Viasat expeditiously challenged this novel, applicant-specific “real-world performance example” requirement by filing a second emergency petition for reconsideration (“Second Petition”). *See* Ex. K ¶ 17. Viasat sought an expedited decision allowing it to participate in the auction with minimal disruption, but the Bureaus did not resolve the Second Petition for more than two months. Ultimately, they dismissed Viasat’s Second Petition as “repetitive,” alternatively denied the petition as an “untimely” attack on the Commission’s June 2020 notice adopting rules for the RDOF Phase 1 auction, *see* Public Notice, 35 FCC Rcd 6077, 6100 ¶ 69, 6102 ¶ 73 (2020) (“RDOF Notice”), and stood by their new real-world performance example requirement. Ex. M at 6-11 (“Second Order”).

The Bureaus' decisions warrant reversal. The supposed procedural deficiencies cited in the Second Order are transparently incorrect, as Viasat's Second Petition raised new issues of law and fact unknown to Viasat until after the First Order, and Viasat has not challenged the Commission's RDOF Notice, instead maintaining that the Bureaus' decisions *conflict* with the Notice. On the merits, the Bureaus' eligibility decisions warrant prompt reversal for four independent reasons:

1. The Bureaus' real-world performance example requirement is a new eligibility requirement that conflicts with clear Commission guidance in the RDOF Notice that: (i) specifically recognized that applicants' proposed LEO networks might not be deployed prior to the auction—or indeed until *years* later; (ii) chose to “modify and clarify” the technical questions asked of low-latency LEO applicants to “collect targeted information” about whether they could meet RDOF requirements *notwithstanding* the lack of a real-world performance example; and (iii) expressly declined to require LEO applicants to provide more detailed technical information or other “additional evidence” prior to the auction, seeking to promote broad participation in the auction.
2. Even if the new eligibility requirement could be reconciled with the Commission's rules, this rights-altering standard was a legislative rule that needed to be adopted by the *Commission* through notice-and-comment rulemaking procedures.
3. The Bureaus' decisions were arbitrary and capricious in numerous respects: (1) they failed to address governing universal service principles; (2) they failed to acknowledge (much less explain) the Bureaus' departure from the Commission's rules; (3) they treated similarly situated applicants differently; (4) they failed to adequately consider Viasat's application or explain Viasat's exclusion; and (5) they departed from the Bureaus' own procedures.
4. The Bureaus' failure to provide notice of their novel eligibility requirement and their disparate treatment of similarly situated LEO applicants violated Due Process.

For these reasons, the Commission should reverse the Bureaus' decisions, order a reauction of census-block groups designated for low-latency LEO service, and allow Viasat to bid its own low-latency LEO system in the reauction. It should also prevent disbursement of RDOF funds for those census-block groups until the reauction is complete or Viasat has exhausted its remedies. Viasat respectfully requests a decision on this application as soon as possible, and at least by May 3, 2021, so that if necessary Viasat may seek further relief before funds are disbursed.

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APPLICATION FOR REVIEW OF VIASAT, INC.

Viasat respectfully seeks review of the Bureaus’ decisions holding it ineligible to bid its low-latency LEO satellite system in the RDOF Phase 1 auction. *See* Ex. G (Ineligibility Decision); Ex. I (First Order); Ex. M (Second Order) (collectively, the “Bureau Decisions”).²

The Bureau Decisions turn on a new eligibility requirement that the Bureaus imposed on Viasat, *even though the requirement conflicts with specific policies adopted by the Commission for this auction*. In particular, the Bureaus assert that Viasat was required to provide a “real-world performance example” of its own low-latency LEO system, even though the Commission:

- Specifically recognized that applicants’ proposed LEO networks might not be deployed prior to the auction—or indeed until *years* later;
- Chose to “modify and clarify” the technical questions asked of low-latency LEO applicants to “collect targeted information” about whether they could meet RDOF requirements *notwithstanding* the current absence of a real-world performance example; and
- Expressly declined to require LEO applicants to provide more detailed technical information or other “additional evidence” prior to the auction, seeking to promote broad participation in the auction.

These policies foreclose the Bureau Decisions’ finding Viasat ineligible to bid low-latency LEO.

² Exhibit references are to those accompanying the attached Declaration of Christopher J. Murphy in Support of Viasat, Inc.’s Application for Review.

By excluding Viasat on this ground, the Bureau Decisions directly conflict with these Commission policies and thus exceed the Bureaus' delegated authority. The Bureau Decisions further fail to follow required notice-and-comment procedures, improperly discriminate against Viasat, are arbitrary and capricious, and violate Viasat's due process rights. Accordingly, the Commission should reverse the Bureau Decisions, order a reauction of census-block groups designated for LEO service, and allow Viasat to bid its low-latency LEO system in the reauction. The Commission should also preclude disbursement of RDOF funds for those census-block groups until the reauction is complete or Viasat has exhausted its administrative and judicial remedies. Viasat respectfully requests a decision on this application as soon as possible, and at least by May 3, 2021, so that if necessary Viasat may seek further relief before funds are disbursed.³

I. BACKGROUND

The RDOF Framework. On January 30, 2020, the Commission established the framework for the RDOF Phase I auction. Among other things, the Commission adopted bidding "weights" that strongly favored bids for "low-latency" service. Report & Order, 35 FCC Rcd 686, 703 ¶ 32, 705 ¶ 38 (2020) ("RDOF Report & Order"). And on June 11, 2020, the Commission adopted specific procedures for the auction and the "short-form" application process through which potential bidders could establish their eligibility to participate in the auction. *See* RDOF Notice, 35 FCC Rcd 6077.

³ Review by the Commission is appropriate because the Bureau Decisions: (1) are "in conflict with" the U.S. Constitution, the Administrative Procedure Act, 5 U.S.C. § 706(2), and the Commission's regulations and established policy; (2) involve an "erroneous finding" on a "material question of fact" regarding whether Viasat adequately demonstrated its eligibility to bid its proposed LEO system in the RDOF Phase I auction; and (3) are infected by "[p]rejudicial procedural error" because the new real-world performance example requirement was not adopted through notice-and-comment rulemaking procedures. *See* 47 C.F.R. § 1.115(b)(2). This Application presents for review: (1) whether Viasat's Second Petition was procedurally proper; and (2) whether the Bureaus erred by (i) imposing an applicant-specific real-world performance example requirement that contradicted the Commission's own rules for the RDOF auction, (ii) adopting legislative rules that did not go through notice-and-comment rulemaking, (iii) taking arbitrary and capricious actions, or (iv) violating Viasat's right to due process.

In doing so, the Commission explicitly aimed to facilitate broad participation in the auction—including by new entrants and new technologies. As the Commission explained, this approach would drive competition and allow the Commission to “stretch [its] universal service dollars further to serve more consumers.” RDOF Notice, 35 FCC Rcd at 6112 ¶ 97. Notably:

- ***The Commission deliberately limited the technical information that applicants needed to provide prior to the auction***, requiring only that applicants answer specific questions intended to “elicit short, narrative responses” that would establish that the applicant had “developed a *preliminary* design or business case” for meeting RDOF obligations, RDOF Notice, 35 FCC Rcd at 6100 ¶ 69 (emphasis added);
- ***The Commission rejected calls to require applicants to submit “additional evidence” with their short-form applications*** as doing so would create “significant barriers to entry for some participants,” RDOF Notice, 35 FCC Rcd at 6101 ¶ 71 & n.145, and the more detailed review to be conducted after the auction coupled with the threat of enforcement measures would prevent applicants from overreaching, *id.* at 6098-99 ¶ 64;
- ***The Commission chose to “modify and clarify” its technical questions to “collect targeted information” about the ability of LEO systems to meet RDOF requirements***, RDOF Notice, 35 FCC Rcd at 6102 ¶ 73 (emphasis added); *see also* Ex. A, Network Info. Attach. at 49, instead of imposing other, more burdensome informational requirements on LEO applicants;
- ***The Commission permitted LEO applicants to bid to offer low latency services in all but the gigabit performance tier*** as long as their planned networks could deliver sub-100 ms latency once constructed—*notwithstanding* the Commission’s observation that there was not yet a real-world performance example of a low-latency LEO network serving the mass market, RDOF Notice, 35 FCC Rcd at 6118 ¶¶ 111-112;
- ***The Commission promised that applicants would receive “case-by-case” review “even if they themselves have not necessarily deployed broadband yet,”*** RDOF Notice, 35 FCC Rcd at 6112 ¶ 97, 6124 ¶ 125 n.293; and
- ***The Commission directed staff to communicate to each applicant “information on the nature of the deficiencies” in their applications prior to the resubmission deadline*** and to make “targeted requests for information” to address such deficiencies, RDOF Notice, 35 FCC Rcd at 6144 ¶ 198, 6123 ¶ 121.

Viasat’s RDOF Application. Viasat timely filed its short-form application on July 15. That application sought approval to bid on multiple tier/latency combinations for each State, including low-latency bids based on LEO satellites. Ex. A at 3-33. Viasat’s application thoroughly demonstrated its ability to deploy this LEO system, describing at length its planned system and

how it would provide low-latency service. Ex. A, Annexes A-B. Viasat directly addressed concerns about latency in various parts of the network by explaining [REDACTED]

[REDACTED]. See Ex. A, Annex A at 1. Viasat also explained that: (i) it has developed and implemented technologies that ensure reliable service in deploying mass-market retail broadband services; (ii) it has years of experience designing and implementing the earth-station networks that support a variety of extant LEO systems; and (iii) those existing and long-proven technologies will be used in deploying Viasat's own LEO system.

While its application was pending, Viasat continued to take concrete steps toward deploying its LEO network. For example, Viasat: [REDACTED]

[REDACTED]. Ex. K ¶ 8.

The Bureaus' Deficiency Letter. On September 1, the Bureaus listed Viasat's application as "incomplete" and sent Viasat a form deficiency letter stating that the information provided was insufficient, *without providing any details about the claimed deficiencies*. Ex. B at 2; see Public Notice, RDOF Phase I Auction: Status of Short-Form Applications to Participate in Auction 904, 35 FCC Rcd 9875 (2020).⁴ Viasat immediately arranged to discuss the letter with Commission

⁴ The Second Order incorrectly suggests that this letter identified specific deficiencies in Viasat's application. Ex. M at 4. It did not, as is evident from even a cursory review of Exhibit B.

staff. During a September 8 teleconference, Commission staff sought additional information with respect to Viasat's proposed LEO service, including its latency budget, the effects of spectrum sharing, its ability to build and operationalize a cost-effective LEO end-user terminal, and its ability to otherwise meet the RDOF service requirements. Ex. C. Viasat submitted updated network information five days before the September 23 deadline to give Commission staff ample time to provide feedback, including on any remaining deficiencies. Ex. D. Commission staff confirmed they would provide "any feedback once they have had a chance to review." Ex. E. Although Commission staff followed up regarding Viasat's proposed fixed-wireless offerings, Ex. F at 2-3, they did not identify any additional deficiencies in Viasat's LEO submissions or even suggest that the absence of a real-world performance example constituted such a deficiency.

The Bureaus' Ineligibility Decision. On October 13, 2020, the Bureaus publicly announced which applicants were qualified to bid in the RDOF auction, and privately specified in each applicant's individual application portal the technologies for which they qualified. Ex. K ¶ 14. While the Bureaus found Viasat eligible to bid for other technologies, the Bureaus found Viasat ineligible to bid its LEO system. Ex. G. This Ineligibility Decision did not identify any deficiencies in Viasat's short-form application or otherwise justify the determination.

Viasat's First Petition. On October 23, Viasat filed its First Petition seeking reconsideration of the Ineligibility Decision. Ex. H. Unaware as to why it was found ineligible, see Ex. K ¶¶ 14-15, Viasat sought an explanation for the Bureaus' determination, Ex. H at 3. Viasat further expressed concern that the Bureaus were treating it differently from other LEO applicants, and requested that the Bureaus find it eligible to bid its LEO system. *Id.* at 8-9.

The Bureaus' First Order. The Bureaus responded to the First Petition on October 27, two days before bidding began. Ex. I. This First Order provided, for the first time, an explanation of why the Bureaus had found Viasat ineligible, but otherwise denied the First Petition. *Id.* at 1. According to the Bureaus, Viasat's technical submission did not provide a "real-world

performance example” of Viasat’s low-latency LEO system because it did not “provide any actual LEO latency test data” or specify how Viasat had taken “significant steps to deploy successfully a LEO network serving mass-market retail customers.” *Id.* at 3. Furthermore, the Bureaus alleged that there was “no indication provided that Viasat could or would support such investment but for the Rural Digital Opportunity Fund, which is the type of risky venture this phase of the fund is not intended to support.” *Id.* Absent such “concrete steps towards deployment,” the Bureaus asserted that Viasat’s short-form application was “not convincing enough.” *Id.*

Viasat’s Second Petition. After reviewing the First Order, Viasat determined that the Bureaus had based their decision on a flawed view and application of the Commission’s policies and on inaccurate facts. Accordingly, Viasat expeditiously filed a Second Petition on November 9—eighteen days before it was due, *see* 47 C.F.R. § 1.106(f) (providing for 30 days). Viasat explained that the First Order’s invocation of a novel, applicant-specific real-world performance example requirement contradicted the Commission’s rules, exceeded the Bureaus’ authority, was arbitrary and capricious, and violated the Fifth Amendment’s Due Process Clause. Ex. J. Viasat’s primary request for relief was simply to be allowed to bid its low-latency LEO system in the still-ongoing RDOF Phase I auction. Viasat requested an expedited decision to facilitate that relief, and twice reached out to the Bureaus to check on the status of the Petition. Ex. L. In the alternative, Viasat requested that the Bureaus allow Viasat to participate in a reauction for census-block groups designated for low-latency satellite service, and refrain from disbursing RDOF funds for such census-block groups until Viasat had exhausted all available remedies.

Notwithstanding Viasat’s best efforts to move expeditiously and avoid the need to redo the auction—and notwithstanding the Bureaus’ statement on November 23 that they hoped to issue a decision soon, Murphy Decl. ¶ 12—the Second Petition remained pending for more than two months. *See* Ex. L. Meanwhile, bidding in the RDOF Phase I auction ended, and the Bureaus announced the winning bidders on December 7. Public Notice, Auction 904 Winning Bidders, 35

FCC Rcd 13,888 (2020). The results revealed that the Bureaus had allowed Viasat's competitor, Space Exploration Technologies Corp. ("SpaceX"), to successfully bid its proposed LEO system for \$885.5 million in RDOF subsidies—almost 10% of all winning bids. *See id.* Attach. A.

The Bureaus' Second Order. On January 15, the Bureaus finally decided Viasat's Second Petition. This Second Order dismissed the Petition, asserting that it was "repetitive" of the First Petition even though the Second Petition challenged the Bureaus' response to that First Petition. Ex. M at 6-7. Alternatively, the Bureaus "denied" the Second Petition first as an "untimely" attempt to raise "collateral attacks" on the Commission's RDOF Notice, *id.* at 7-8, and second by asserting once again that Viasat had failed to satisfy the new, applicant-specific requirement set forth in the First Order, *id.* at 3 n.16, 7 n.37, 8-11, 11 n.57.

II. THE BUREAUS IMPROPERLY DISMISSED CONCERNS THAT VIASAT RAISED IN ACCORDANCE WITH THE COMMISSION'S RULES.

The Bureaus' claims that Viasat's Second Petition was "repetitive" and "untimely" rest on obvious mischaracterizations of the record and of Viasat's position throughout this process.

A. Viasat's Second Petition Was Not "Repetitive."

Viasat's Second Petition properly addresses "facts or arguments" that "relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters," or that were previously "unknown to petitioner" despite the "exercise of ordinary diligence." 47 C.F.R. § 1.106(b)(2). Prior to the issuance of the First Order, Viasat did not know and could not have known the basis for the Bureaus' Ineligibility Decision because that decision was not accompanied by *any* explanation *whatsoever*. Ex. G. Only by filing the First Petition—which the Bureaus *granted* insofar as it sought an explanation for the Ineligibility Decision—did Viasat obtain the First Order, and thus learn which facts and arguments were relevant to the Ineligibility Decision. The First Order provided key "facts or arguments" previously unknown and unknowable to Viasat, 47 C.F.R. § 1.106(b)(2)(i)-(ii), and Viasat's Second Petition relied

heavily on this intervening order and its belatedly revealed reasoning, and thus easily satisfied the requirements of Section 1.106(b)(2) of the Commission’s rules. *Id.*⁵

Nor is dismissal appropriate to prevent petitioners from “hold[ing] back legal arguments to assert in future petitions for reconsideration.” Ex. M at 7. Again, it was *the Bureaus* that withheld the reasons for their Ineligibility Decision until Viasat sought an explanation. Once the Bureaus apprised Viasat of the basis for their decision by issuing the First Order—two days before bidding began—Viasat promptly sought reconsideration based on arguments it could now raise *for the first time*. The Bureaus’ efforts to insulate their decision from review are Kafkaesque.

B. Viasat’s Second Petition Was Not an “Untimely” Collateral Attack on the Commission’s RDOF Rules.

The Second Order asserts that Viasat’s Second Petition was “untimely to the extent it includes collateral attacks on the [RDOF Notice].” Ex. M at 7-8. Viasat raised no such collateral attack. To the contrary, Viasat *relied* on the RDOF Notice and argued that the Bureaus’ treatment of Viasat “*conflicts* with Commission rules.” Ex. J at ii, 6 (emphasis added). Stated differently, Viasat takes issue with the Bureaus’ purported *application* of the RDOF Notice in Viasat’s specific case—not the Notice itself.⁶

III. THE BUREAU DECISIONS EXCEEDED THE BUREAUS’ AUTHORITY.

The Bureau Decisions under review—each of which turns on the reasoning articulated in the First Order—exceeded the Bureaus’ authority in two separate ways. First, the Bureau

⁵ The filing of a second petition was also consistent with directions from both Congress and the Commission suggesting that staff acting pursuant to delegated authority should be given an “opportunity to pass” on the relevant questions of fact or law. 47 U.S.C. § 155(c)(5); 47 C.F.R. § 1.115(c). Here, there is no dispute that Viasat did not have a prior opportunity to raise with the Bureaus questions of fact and law with respect to the reasoning set forth in the First Order.

⁶ The Bureaus allege that Viasat has a “history of advocating for post hoc changes to . . . established technical standards to suit its network deployment,” but cite only: (i) a timely petition for reconsideration filed in the CAF rulemaking; and (ii) a timely application for review filed in connection with a timely waiver request. Ex. M at 1 n.3. Any suggestion that these filings sought wholesale changes to established standards is misleading and irresponsible.

Decisions impermissibly conflict with established Commission policy. Second, the Bureau Decisions imposed a legislative rule without complying with the notice-and-comment procedures of the Administrative Procedure Act (“APA”).

A. The Bureau Decisions Conflict with Commission Policy.

The Bureaus found Viasat ineligible to bid its low-latency LEO system because Viasat supposedly did not provide its own “real-world performance example.” Ex. I at 3. In attempting to impose that novel eligibility requirement, the Bureaus ignored specific instructions in the Commission’s RDOF Notice and substituted their own judgment. Consequently, the Bureau Decisions exceeded the Bureaus’ delegated authority and should be reversed.

To start, the Bureaus’ suggestion that Viasat was required to identify its own real-world performance example (and provide “actual LEO latency test data” derived from such a network, Ex. I at 3) is completely at odds with the Commission’s decision to permit applicants to bid in the auction “even if they themselves have not necessarily deployed broadband yet” in a manner that meets the RDOF performance requirements—and even if that deployment may be *years* away. RDOF Notice, 35 FCC Rcd at 6112 ¶ 97. This suggestion also conflicts with the Commission’s decision in the RDOF Notice to: (i) require that applicants submit only “short, narrative responses” containing “high-level information” establishing that they had “developed a *preliminary* design or business case” for meeting its RDOF obligations, *id.* at 6100-02 ¶¶ 69, 71 (emphasis added); (ii) require low-latency LEO applicants to address concerns raised by the Commission about LEO technologies by answering specific technical questions designed to “collect *targeted* information” addressing those concerns, *id.* at 6102 ¶ 73; and (iii) permit low-latency LEO applicants to bid as long as their planned networks could deliver sub-100 ms latency once constructed—

notwithstanding the Commission’s observation that there was not yet a real-world performance example of a low-latency LEO network serving the mass market, *id.* at 6118 ¶¶ 111-112.⁷

As components of the Commission exercising its “delegate[d]” authority, 47 U.S.C. § 155(c)(1); 47 C.F.R. § 0.201(a)(1), the Bureaus were not authorized to adopt standards or policies contrary to those established by the Commission, 47 C.F.R. § 1.115(b)(2)(i), (iii), or to delve into “novel questions of fact, law or policy,” 47 C.F.R. § 0.291(a)(2). The real-world performance example requirement thus exceeded the Bureaus’ authority. The Commission nowhere suggested that it would require LEO applicants to identify a real-world performance example as a condition of bidding, much less require each applicant to build out its *own* currently operational LEO network prior to bidding. *See* RDOF Notice, 35 FCC Rcd at 6118 ¶¶ 111-12. Instead, consistent with its preference for short, high-level information and rejection of calls for more detail, the Commission simply suggested that low-latency LEO applicants needed to address certain latency issues by answering specific technical questions that had been carefully tailored to “collect targeted information” to address those issues. *Id.* at 6102 ¶ 73. The Bureaus note that the Commission briefly mentioned the lack of a real-world performance example of mass-market LEO service, Ex. M at 3 n.16, but it did so only in the context of specifying which information applicants needed to submit to bid low-latency LEO, RDOF Notice, 35 FCC Rcd at 6118 ¶¶ 111-12. And, as noted, the Commission decided to allow low-latency LEO applicants to bid *notwithstanding the lack of such a real-world performance example* if they could demonstrate, through their answers

⁷ For similar reasons, the Bureaus’ finding that Viasat did not demonstrate a real-world performance example should not have turned on whether Viasat had already taken “significant steps to deploy successfully a LEO network serving mass-market retail customers” or would invest in a low-latency LEO network without RDOF funding. Ex. I at 3. To be sure, Viasat satisfied the Commission’s financial requirements, RDOF Notice, 35 FCC Rcd at 6096-98 ¶¶ 56-61, and had already taken significant steps toward deployment—and Viasat could have identified those steps if the Commission had required it to do so. *See* Ex. A, Annex B at 2; Ex. K ¶¶ 7-8. But the entire point of the RDOF auction was to facilitate network build-out, and the Commission in no way empowered the Bureaus to deny low-latency LEO applicants based on their not already having deployed LEO networks.

to the Commission’s technical questions, that their planned networks would satisfy applicable performance requirements once constructed. It is no response for the Bureaus to claim that they applied “a highly individualized inquiry” to Viasat, Ex. M at 7-8 n.37—their inquiry focused on the absence of a real-world performance example, and thus contradicted the Commission’s clear guidance. Ex. I at 3; *see* Ex. M at 7-11. The new litmus test for eligibility that the Bureaus applied clearly conflicted with the Commission’s RDOF rules—and therefore was improper.

B. The Bureau Decisions Violate the APA.

Even if the Bureaus’ real-world performance example requirement did not clearly conflict with Commission policy, they lacked authority to adopt and apply the requirement themselves. The novel, applicant-specific requirement is a new legislative rule that must be—but was not—adopted by the *Commission*, *see, e.g.*, 47 C.F.R. § 0.291(a)(2), through APA notice-and-comment rulemaking procedures. Ex. J at 8-13. The Second Order does not show otherwise.

Unless a statutory exception applies, the APA requires agencies—including the Commission—to publish a notice of proposed rulemaking in the Federal Register and provide an opportunity for the public to comment before promulgating rules or adopting new requirements that have legal force. 5 U.S.C. § 553(b); *see Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 2384 (2020); *Perez v. Mortg. Bankers Ass’n*, 575 U.S. 92, 96 (2015); 47 C.F.R. § 1.412(a). The final action must be a logical outgrowth of its proposed rule, meaning that ““interested parties should have anticipated”” the final rule was possible ““and thus reasonably should have filed their comments on the subject.”” *Idaho Conservation League v. Wheeler*, 930 F.3d 494, 508 (D.C. Cir. 2019).

That did not happen here. Notably, the Bureaus do not deny that auction eligibility rules—which “alter the rights or interests of parties,” *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980)—are legislative rules subject to APA rulemaking requirements. *See* Ex. M at 7. Instead, the Second Order argues that because the Bureaus applied “a highly individualized inquiry,” they

must not have adopted “generally applicable, policy-type standards.” *Id.* at 8 n.37. But these are not mutually exclusive propositions. Indeed, the Bureaus do not seriously dispute that they were applying a categorical rule, doubling down in the Second Order on the proposition that Viasat needed “a real-world performance example” by “deploy[ing] a low-latency LEO satellite network” to demonstrate eligibility. Ex. M at 7. That new, applicant-specific requirement was never subjected to notice-and-comment procedures, and thus the Bureaus’ reliance on it violated the APA. Nor do the Commission’s orders and notices in this proceeding provide any basis for the Bureaus’ supposedly “highly individualized inquiry” of applying an across-the-board real-world performance example requirement. As discussed, the Commission has never endorsed such a requirement; to the contrary, the Commission specifically rejected invitations to impose similar eligibility requirements on auction applicants.

Subsequent developments underscore the lack of notice with respect to these new requirements. After Viasat submitted its initial application, the Bureaus notified Viasat that they considered its LEO network information to be deficient and later conferred with Viasat about those deficiencies. *See* Exs. B, C. Conspicuously absent from the list of deficiencies identified by the Bureaus was any request for: (i) a real-world performance example; (ii) actual LEO latency test data; (iii) further information about Viasat’s business model; or (iv) further information about the steps Viasat had taken toward deployment. *See* Exs. B, C. Moreover, when Viasat resubmitted its application days ahead of the deadline for the express purpose of receiving any further staff feedback (at the Bureaus’ request), *see* Exs. D, E, the Bureaus again did not raise this as a potentially disqualifying issue, *see* Exs. E, F. When Viasat received the Bureaus’ First Order and finally learned that the Bureaus were treating a real-world performance example as mandatory, it was too late for Viasat to address that new requirement or otherwise adjust its application strategy. Notably, the Bureaus’ failure to identify the alleged deficiencies in Viasat’s application during the resubmission window also conflicts with specific guidance provided by the Commission. As noted,

the RDOF Notice directs staff to identify potential deficiencies in the short-form application and provide applicants with a meaningful opportunity to address those deficiencies prior to the resubmission deadline by “mak[ing] targeted requests for information from an applicant designed to address the specific concerns that Commission staff has with the information submitted by the applicant in its short-form application.” 35 FCC Rcd at 6123 ¶ 121.

The Bureaus’ failure to satisfy this requirement was particularly prejudicial here. Had Viasat received adequate and proper notice of the Bureaus’ new eligibility requirement and the factors the Bureaus would use to conclude that the requirement had been satisfied, it could have demonstrated how it was satisfying that requirement—for example, by explaining that it was taking steps toward deploying its LEO system ([REDACTED] [REDACTED] and ensuring that it had the manufacturing capacity and launch capability to meet the RDOF service requirements, Ex. K ¶ 8). Instead, one of the primary assumptions justifying the Bureaus’ First Order—that Viasat had not taken “significant steps to deploy successfully a LEO network serving mass-market retail customers,” Ex. I at 3—is simply false (and the Bureaus do not contend otherwise in the Second Order). The absence of this critical information from Viasat’s short-form-application record is directly attributable to the lack of notice that including such information was necessary in the first place.

IV. THE BUREAU DECISIONS ARE ARBITRARY AND CAPRICIOUS.

The Bureaus’ decision to exclude Viasat from bidding for low-latency LEO satellite service based on new, applicant-specific requirements was also arbitrary and capricious. Auction-eligibility decisions are subject to review under the APA, which requires an agency to exercise “reasoned decisionmaking” and to “articulate a satisfactory explanation for its action.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 52 (1983); *see, e.g., GLH Commc’ns, Inc. v. FCC*, 930 F.3d 449, 453 (D.C. Cir. 2019); *SNR Wireless LicenseCo, LLC v. FCC*, 868 F.3d 1021, 1029 (D.C. Cir. 2017). In particular, the agency must “examine the

relevant data and articulate a satisfactory explanation for its action including a ‘rational connection between the facts found and the choice made.’” *State Farm*, 463 U.S. at 43 (quoting *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962)).

Here, the Bureaus’ novel eligibility requirement cannot be squared with congressionally enacted universal service principles or the Commission’s own rules and policies adopted in this proceeding. And in applying these novel requirements to Viasat, the Bureaus have either arbitrarily treated Viasat differently from a similarly situated competitor or failed to adequately explain their decision. Finally, the Bureaus acted arbitrarily by departing from their own clearly stated procedures for RDOF auction applications.

A. The Bureaus Imposed Their “Real-World Performance Example” Requirement Without Accounting for Established Universal Service Principles.

To constitute reasoned decisionmaking, agency action must be “‘based on a consideration of the relevant factors.’” *State Farm*, 463 U.S. at 43. Here, Congress explicitly spelled out several “[u]niversal service principles” governing the award of the universal service funds at issue in the RDOF auction, including that “[q]uality services should be available at just, reasonable, and affordable rates”; that “[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation”; and that consumers “in rural, insular, and high cost areas, should have access to ... advanced telecommunications and information services.” 47 U.S.C. § 254(b)(1)-(3). Furthermore, the Commission has adopted the additional universal-service principles of competitive and technological neutrality, under which “universal service support mechanisms and rules” must neither “unfairly advantage nor disadvantage one provider over another” nor “unfairly favor nor disfavor one technology over another.” *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8801 ¶¶ 46-47 (1997).

Viasat does not dispute that the RDOF auction endeavors to provide “quality,” “advanced” broadband services. Indeed, the Commission’s central aim was “prioritizing higher network

speeds and lower latency.” RDOF Report & Order, 35 FCC Rcd at 687 ¶ 2. But Congress recognized that the digital divide will never be closed if high-quality coverage is limited to a narrow subset of geographic areas, which is why it also required considering how universal service funds promote service in, for example, “rural, insular, and high cost areas.” 47 U.S.C. § 254(b)(3).

Satellite technology can be an important means of closing the digital divide, as it provides high-quality broadband services to geographic areas otherwise unreachable by terrestrial networks. In the CAF Phase II auction, for example, Viasat’s participation alone will expand service offerings by 36%, reaching over 190,000 locations in 20 States. Comments of Viasat, Inc. at 2, 7, *Rural Digital Opportunity Fund*, WC Docket No. 19-126 (Sept. 20, 2019). In the vast majority of these locations, Viasat was the only bidder—meaning that absent Viasat’s satellite offerings, many locations would have simply gone without universal-service offerings. *Id.* at 7.

Viasat’s proposed LEO system is a particularly innovative and promising step forward in closing the digital divide. This reliable system would achieve both the coverage breadth uniquely available through satellite technology and the 100-millisecond low-latency standard preferred by the Commission in this proceeding. Given Viasat’s directly relevant, extensive experience providing mass-market broadband through satellites, Ex. A, Annex B at 2, its ability to meet the 100-ms low-latency standard, Ex. A, Annex A, and its answers to questions raised by Commission staff regarding the LEO system, Ex. D, allowing Viasat to bid its low-latency LEO system would have followed directly from the Commission’s universal service principles.

Yet the Bureaus denied Viasat’s application to bid for low-latency LEO-based service without so much as mentioning the universal service principles, much less explaining how excluding a provider with a viable plan to serve hard-to-reach areas with an innovative LEO satellite system was consistent with the stated intent of Congress. *See* 47 U.S.C. § 254(b). Nor did the Bureaus consider whether barring Viasat and other providers from bidding low-latency service based on their proposed LEO systems contravened the Commission’s principles of

competitive and technological neutrality. *See Federal-State Joint Board on Universal Service*, 12 FCC Rcd at 8801 ¶¶ 46-47.

In the Second Order, the Bureaus now claim that they were applying universal service principles all along when they asserted in the First Order that funding Viasat’s LEO network was “the type of risky venture this phase of the fund is not intended to support.” Ex. M at 9.⁸ This post-hoc rationalization is doubly flawed: The Bureaus cannot retroactively pretend that this single, unadorned phrase reflects meaningful analysis of the universal service principles identified above. And in any event, concluding that Viasat’s proposal to deploy a LEO system is a “risky venture” when Viasat has answered all technical questions prescribed by the Commission and established its financial qualifications to the *Commission’s* satisfaction—and thus demonstrated that it is reasonably capable of fulfilling its RDOF obligations—is itself arbitrary. *See infra*, at 20-22. By failing to make a decision “based on a consideration of the relevant factors” and ignoring “an important aspect of the problem,” *State Farm*, 463 U.S. at 43 (quoting *Bowman Transp. Inc. v. Ark.-Best Freight Sys.*, 419 U.S. 281, 285 (1974)), the Bureaus acted arbitrarily.

B. The Bureaus’ Imposition of the “Real-World Performance Example” Requirement Is an Unacknowledged Departure from the RDOF Auction Rules.

While an agency may depart from a prior policy, it may not do so “sub silentio.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). The requirement that an agency provide a reasoned explanation for its action demands that the agency “display awareness that it is changing position.” *Id.* Further, where a “prior policy has engendered serious reliance interests,” an agency must provide “a more detailed justification” for its new policy, including its decision to “disregar[d] facts and circumstances that ... were engendered by the prior policy.” *Id.* at 515-16.

⁸ Contrary to the Bureaus’ suggestion, Viasat has not requested “less rigorous review” of its LEO proposal than that applied to GSO deployments, Ex. M at 9 n.45; rather, Viasat opposes the Bureaus’ novel applicant-specific real-world performance example requirement.

The Bureaus’ decision represents an impermissible sub silentio change in policy. As explained above, *supra*, at 3, the RDOF Notice limited the technical information that applicants would need to provide and addressed uncertainty around LEO technologies by tailoring specific questions to elicit relevant information. The Commission never suggested that applicants would be required to provide a real-world performance example of a system they already had deployed, or latency data generated by that system (among other things). Accordingly, even assuming they possessed the requisite authority to do so, the Bureaus’ adoption of such new requirements sharply departed from the Commission’s eligibility rules. *Supra*, at 9-11. To this day, the Bureaus refuse to acknowledge this change in policy. *See* Ex. M at 9. Such a refusal cannot be characterized as providing a “reasoned explanation for [their] actions.” *Fox Television*, 556 U.S. at 515.

This failure to provide a reasoned explanation for a change in policy is particularly egregious given the “serious reliance interests” at stake. *Fox Television*, 556 U.S. at 515. In preparing its short-form submissions and auction strategy, Viasat relied on the requirements set forth in the RDOF Notice, focusing its short-form application on detailed technical explanations of how its proposed LEO system would achieve the Commission’s low-latency standard in the first place. RDOF Notice, 35 FCC Rcd at 6099-10 ¶¶ 66-74. Had Viasat been aware of the Bureaus’ real-world performance example requirement, Viasat could have explained the steps it had already taken toward deployment—including its technical designs, production efforts, and launch arrangements. *See supra*, at 4, 13. Alternatively, Viasat could have sought a waiver, explained how its existing satellite systems provided a relevant example, or taken other tangible steps toward satisfying the Bureaus’ standard. By waiting until after it had already issued its Ineligibility Decision and denied Viasat’s First Petition to announce its new requirement, the Bureaus significantly undermined Viasat’s reliance interests. The Bureaus were therefore required to provide a “more detailed justification” for the policy change. *Fox Television*, 556 U.S. at 515. By providing no justification, the Bureaus acted arbitrarily and capriciously.

C. The Bureau Decisions Improperly Discriminate Against Viasat.

As is now apparent from the public RDOF auction results, the Bureaus allowed Viasat’s competitor SpaceX to bid based on its proposed LEO system in the RDOF auction, in which SpaceX was the winning bidder for \$885.5 million in universal service subsidies—even though SpaceX has never provided mass-market low-latency LEO service. Public Notice, 35 FCC Rcd 13,888, Attach. A; Ex. M at 10 & n.52. The Bureaus’ decision to allow SpaceX to bid while simultaneously excluding Viasat is arbitrary and capricious. If the Bureaus *did not* apply the real-world performance example requirement to SpaceX, then they applied inconsistent standards and improperly discriminated against Viasat. If, on the other hand, the Bureaus *did* apply this novel eligibility requirement to SpaceX and concluded that SpaceX met it, it follows that the Bureaus should have reached the same conclusion in Viasat’s case.

To the extent that the Bureaus *did not* apply the real-world performance example requirement to SpaceX’s short-form application, they acted arbitrarily and capriciously. It is well settled that auction participants are entitled to “a legally valid procurement process,” *Alvin Lou Media, Inc. v. FCC*, 571 F.3d 1, 3 (D.C. Cir. 2009)—that is, one that is “fair” and gives the applicant “an opportunity to compete upon valid terms,” including by bidding ““on an equal basis,”” *DIRECTV, Inc. v. FCC*, 110 F.3d 816, 829-30 (D.C. Cir. 1997). That is because “[a]n unfair auction places a bidder at a ‘substantial competitive disadvantage.’” *NTCH, Inc. v. FCC*, 950 F.3d 871, 879 (D.C. Cir. 2020) (quoting *DIRECTV*, 110 F.3d at 830). And under the Commission’s own “competitive neutrality” principle, “universal service support mechanisms and rules” must not “unfairly advantage nor disadvantage one provider over another.” *Federal-State Joint Board on Universal Service*, 12 FCC Rcd at 8801 ¶ 47. Ultimately under these principles (and ordinary arbitrary-and-capricious review), the Bureaus must “provide adequate explanation before treating similarly situated parties differently.” *Northpoint Tech., Ltd. v. FCC*, 414 F.3d 61, 75 (D.C. Cir. 2005). Permitting SpaceX to bid for low-latency LEO service without meeting the same

requirements that were applied to Viasat would violate these principles of fairness and constitute arbitrary and capricious agency action, and serve as the epitome of arbitrarily “treating similarly situated parties differently,” *Northpoint Tech.*, 414 F.3d at 75, and “unfairly advantag[ing] ... one provider over another,” *Federal-State Joint Board on Universal Service*, 12 FCC Rcd at 8801 ¶ 47.⁹

Alternatively, if the Bureaus *did* apply the real-world performance example requirement to SpaceX but found that SpaceX had satisfied it, the Bureaus should have reached the same conclusion with respect to Viasat for either of two reasons. First, if SpaceX had provided information sufficient to address the concerns expressed by the Commission with respect to LEO technologies, this showing would also address those concerns as they relate to Viasat. Critically, the concerns expressed by the Commission in the RDOF Notice relate to LEO *technologies* generally—and not specific LEO operators or service providers. *See* RDOF Notice, 35 FCC Rcd at 6118 ¶¶ 111-12. If SpaceX had successfully demonstrated the viability of LEO technologies to the Bureaus’ satisfaction, notwithstanding the Commission’s concerns, there would be no reasoned basis for continuing to harbor those concerns in the case of Viasat. Stated differently, if SpaceX assuaged the Commission’s concerns by providing a real-world performance example, that example would serve the same function with respect to Viasat’s application.¹⁰

⁹ SpaceX lacked a real-world performance example, at least at the time short-form applications were due in September 2020. Even the “public[] report[s]” the Bureaus cite in their Second Order reveal that SpaceX had launched a tiny fraction of the satellites it needed for its LEO system and that it had conducted only “early tests” without deploying *any* service to the public. *See* Ex. M at 10 n.52. The Bureaus have not even attempted to explain how these preliminary steps qualify as a real-world performance example. *Id.*

¹⁰ To support their untenable position, the Bureaus resort to mischaracterizing Viasat’s earlier comments on the Commission’s proposed procedures. Ex. M at 10 & n.50. Viasat’s comments concerned a categorical exclusion prohibiting GSO providers from bidding low-latency and the Commission’s apparent reliance on mere altitude in defining achievable levels of latency at LEO, Comments of Viasat, Inc. at 6-8, *In re Competitive Bidding Procedures for the Rural Digital Opportunity Fund Auction (Auction 904)*, AU Docket No. 20-34 (Mar. 27, 2020), not whether the

Second, even if SpaceX did not fully assuage the Commission's concerns as to all LEO applicants, there still would be no reason to treat SpaceX and Viasat differently: If SpaceX had provided information sufficient to address the Bureaus' concerns regarding LEO systems, it would necessarily follow that the information provided by Viasat would also address those concerns. In attempting to justify their characterization of Viasat's planned LEO network as an impermissibly "risky venture," the Bureaus assert that "there is a fundamental difference in risk between providing universal service support to an existing network provider expanding its footprint to cover unserved areas and an entity trying to launch a new network utilizing technology that has not been widely deployed or accepted by residential consumers nor proven to deliver low latency (or to meet other public interest obligations)." Ex. M at 9 n.46. But under this standard, Viasat compares favorably to SpaceX. While Viasat and SpaceX both plan to deploy LEO systems, Viasat has the advantage for several reasons: (i) Viasat is an existing provider of mass-market consumer broadband services, whereas SpaceX is not; (ii) Viasat has an extensive operational history, whereas SpaceX does not; and (iii) Viasat is already an eligible telecommunications carrier, whereas SpaceX is not. The Bureaus' decision to make a favorable finding with respect to SpaceX and an unfavorable finding with respect to Viasat is therefore inexplicable.

The Bureaus overlooked other aspects of Viasat's system that make it unreasonable to credit SpaceX's showing but not Viasat's. For example, the Bureaus failed to seriously consider whether Viasat was able to demonstrate, even without its own performance example, that it could operationalize a low-latency LEO system based on its extensive experience of providing broadband via satellites. Conspicuously, the Bureaus' Second Order does not contest Viasat's showing that the First Order made basic errors regarding Viasat's proposal (for example, mischaracterizing the speeds for which Viasat applied to provide low-latency LEO) and otherwise

existence of a real-world performance example for low-latency LEO would satisfy the Commission's then-yet-to-be-expressed concerns about low-latency LEO's viability.

failed to “address Viasat’s extensive satellite experience or the specific proposals it had submitted, much less identify particular flaws.” Ex. J at 19; *see* Ex. M at 9-10. These errors and omissions run contrary to the evidence in the record and demonstrate that the Bureaus failed to actually consider Viasat’s proposal—an undoubtedly “important aspect of the problem” before the agency. *State Farm*, 463 U.S. at 43.

Moreover, the Bureaus did not dispute that the First Order made utterly unsupported statements relating to Viasat’s financial ability to launch a LEO satellite system as a means of casting doubt on Viasat’s commitment to meeting RDOF deadlines. *See* Ex. M at 9 n.46. The Bureaus claimed that they had no indication that “Viasat could or would support” investment in a LEO system “but for the Rural Digital Opportunity Fund.” Ex. I at 3. But as the Bureaus apparently recognize, Ex. M at 9 n.46, the entire purpose of the RDOF auction is to incentivize buildouts of new networks that do not and would not exist absent funding from the auction, particularly for hard-to-serve areas. And in any event, the Bureaus have never questioned Viasat’s financial capability to build out a network, either in the CAF Phase II auction or based on its financial submissions in the RDOF Phase I auction. Had the Bureaus truly been concerned with Viasat’s financial capability and commitment, they could have raised those concerns prior to the short-form resubmission deadline. That the Bureaus never before raised this concern suggests that casting aspersions on Viasat’s financial commitment is a mere post-hoc rationalization of the Bureaus’ decision to exclude Viasat.

Nor can the Bureaus distinguish Viasat from SpaceX by questioning its ability “to build, deploy, and operate a LEO network meeting the low latency requirements in the time required.” Ex. I at 3. First, this reasoning is inconsistent with the purpose of the short-form application in requiring applicants to demonstrate only that they have “developed a *preliminary* design or business case” for meeting RDOF obligations. RDOF Notice, 35 FCC Rcd at 6100 ¶ 69 (emphasis added). While the Commission and the Bureaus have an interest in inquiring into whether

applicants can meet the auction buildout times, the Commission’s rules indicate that the level of certainty that the Bureaus sought of Viasat is more appropriate at the long-form stage after bidding is complete. *See* RDOF Report & Order, 35 FCC Rcd at 717 ¶ 68, 721-22 ¶¶ 78-79. Moreover, there was no need to preclude Viasat from even *bidding*, as the Commission has already adopted procedures disincentivizing unrealistic proposals through an extensive penalty scheme for providers who fail to meet service deadlines. *Id.* at 713-16 ¶¶ 58-64. The fact that the Commission’s rules permit new entrants with little to no operating history to participate in the auction and receive support funding, *see* RDOF Notice, 35 FCC Rcd at 6095-96 ¶ 55 & n.111, underscores that a real-world performance example from individual applicants prior to bidding is neither necessary nor appropriate. Second, Viasat has extensive experience building and deploying satellite systems that have actually provided viable mass-market broadband service for many years—not SpaceX. Especially given Viasat’s effective participation in the CAF Phase II auction and its extensive submissions here, it is arbitrary to question Viasat’s ability to meet the deadlines based simply on a conclusory statement that the submissions “were not convincing,” clearing the way for SpaceX to claim more than \$885 million. Ex. I at 3.

D. The Bureaus Arbitrarily Departed from Their Own Procedures.

“It is ‘axiomatic’ ... ‘that an agency is bound by its own regulations.’” *Nat’l Env’tl. Dev. Ass’n’s Clean Air Project v. EPA*, 752 F.3d 999, 1009 (D.C. Cir. 2014). “Thus, an agency action may be set aside as arbitrary and capricious if the agency fails to ‘comply with its own regulations.’” *Id.* Indeed, “federal agencies [must] follow their own rules, even gratuitous procedural rules that limit otherwise discretionary actions.” *Steenholdt v. FAA*, 314 F.3d 633, 639 (D.C. Cir. 2003).

Here, the Bureaus not only disregarded the Commission’s rules on identifying deficiencies in an applicant’s submission prior to the resubmission deadline, *see supra*, at 12-13, but also failed to comply with their *own* stated procedures on the subject. In their initial deficiency notice to Viasat, the Bureaus stated that Viasat could “request a conference call ... to aid in any technical

resubmission” and that the “assigned staff member will respond and confirm a time to discuss [Viasat’s] application.” Ex. B at 1. On that call, the Commission staff further stated that they would follow-up with Viasat regarding its resubmission if there were any issues worth discussing and if time permitted. Ex. C. And when Viasat resubmitted five days early, the assigned staff member assured Viasat that staff would “let [Viasat] know if [the FCC’s engineers] have any feedback once they have had a chance to review.” Ex. E. The Bureaus thus operated under the stated practice of identifying deficiencies in an applicant’s short-form submission and affording the applicant an opportunity to resubmit the necessary materials, time-permitting.

The Bureaus failed to follow that practice with Viasat in applying the real-world performance example requirement. The Bureaus never notified Viasat of that requirement, and never raised such a requirement in their call with Viasat, Ex. C. And even though Commission staff promised timely feedback on Viasat’s early resubmission, they never followed up on its application to bid based on its low-latency LEO satellite proposal. *See* Ex. F. It was only in denying Viasat’s First Petition—shortly before bidding commenced and after it was too late for Viasat to provide supplemental information—that the Bureaus identified this new alleged deficiency in Viasat’s application.

To date, the Bureaus have offered no explanation for these hide-the-ball tactics. In their Second Order, the Bureaus cite their “regular practice” of not telling applicants “what they must submit or how they should correct their deficiencies.” Ex. M at 10. But the Second Order confirms that Commission staff were supposed to “diligently work with [Viasat] to *identify* deficiencies,” *id.* (emphasis added), consistent with what Commission staff assured Viasat in these proceedings. This is not an issue of the Bureaus “not spelling out for Viasat every deficiency with its application,” *id.*, but an issue of denying bidding eligibility based on a never-before-suggested, supposedly fatal omission in Viasat’s application—one that effectively rendered moot its responses to other questions that staff raised.

Viasat repeatedly demonstrated its diligence in responding to the Commission staff's requests, including fully responding to questions regarding Viasat's terrestrial fixed-wireless offerings that were posed the night before resubmissions were due. Ex. F. Had the Bureaus been forthright in identifying all purported deficiencies in Viasat's application—as they promised they would be—Viasat would have been able to provide supplemental information or argument that could have qualified it to bid. The Bureaus' unexplained departure from its procedural rules, however, deprived Viasat of that chance and was therefore arbitrary and capricious.

V. THE BUREAU DECISIONS VIOLATE DUE PROCESS.

The Bureaus' failure to provide adequate notice of their real-world performance example requirement or an explanation for its differential treatment of SpaceX separately violates the procedural due process and equal-protection components of the Fifth Amendment's Due Process Clause, respectively. *See* U.S. Const. amend. V. Due Process applies where an agency's “implementing regulations place substantive limitations on official discretion to withhold award of the benefit upon satisfaction of the eligibility criteria.” *NB ex rel. Peacock v. Dist. of Columbia*, 794 F.3d 31, 41-42 (D.C. Cir. 2015). The Bureaus' black-box approach—declining to announce standards *ex ante*, silently and retroactively supplementing the established RDOF eligibility criteria with new substantive criteria, providing a belated explanation for their decision, and then refusing to entertain any challenge to their rationale—deprived Viasat of fair notice and violated fundamental principles of due process. Making matters worse, the Bureaus admit they did not apply generally applicable standards, but rather adopted an effectively standardless “case-by-case” approach. Ex. M at 7 n.37, 8 n.39. This discretionary approach enabled the Bureaus to conclude that two similarly situated applicants should receive opposite outcomes. But those competing for a government benefit can invoke equal-protection rights whenever “the government erects a barrier that makes it more difficult for members of one group to obtain [that] benefit than it is for members of another group.” *Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*,

508 U.S. 656, 666 (1993). To the extent the Bureaus permitted SpaceX to bid for low-latency LEO-based services in the RDOF Phase I auction without satisfying those requirements, the Bureaus' arbitrarily different treatment of similarly situated applicants cannot survive any level of scrutiny.

CONCLUSION & REQUESTED RELIEF

The Commission should reverse the Bureaus' Ineligibility Decision, First Order, and Second Order, order the Bureaus to reauction any census-block groups won by other bidders based on low-latency LEO service, and order that Viasat be permitted to bid its low-latency LEO service in the reauction. The Commission should also order that RDOF funds may not be disbursed to winning bidders in those census-block groups until the reauction is complete or Viasat has exhausted its administrative and judicial remedies. Viasat respectfully requests a decision on this application as soon as possible, and at least by May 3, 2021, so that if necessary Viasat may seek further relief before funds are disbursed.

Respectfully submitted,

/s/ Helgi C. Walker

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Counsel for Viasat, Inc.

January 29, 2021

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Viasat, Inc., Application to Participate in the	)	FRN: 0004963088
Rural Digital Opportunity Fund Phase I)	
Auction (Auction 904))	
)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
Phase I Auction	)	AU Docket No. 20-34
)	
Connect America Fund	)	WC Docket No. 10-90
)	

**DECLARATION OF CHRISTOPHER J. MURPHY IN SUPPORT OF
VIASAT, INC.'S APPLICATION FOR REVIEW**

My name is Christopher J. Murphy, Associate General Counsel, Regulatory Affairs at Viasat, Inc. ("Viasat"). I make this Declaration in support of Viasat's Application for Review, filed concurrently herewith.

1. Attached hereto as **Exhibit A** is a true and correct copy of Viasat's July 15, 2020 short-form application and accompanying Annexes. The application and Annexes were previously submitted to the Rural Broadband Auctions Task Force, Office of Economics and Analytics, and Wireline Competition Bureau (collectively, the "Bureaus") with Viasat, Inc.'s Second Emergency Petition for Reconsideration as Exhibit A to the Declaration of John P. Janka in Support of Viasat, Inc.'s Second Emergency Petition for Reconsideration ("Second Petition Declaration").

2. Attached hereto as **Exhibit B** is a true and correct copy of the September 1, 2020 deficiency letter Viasat received from Commission staff. The letter was previously submitted as Exhibit B to the Second Petition Declaration.

3. Attached hereto as **Exhibit C** is a true and correct copy of the September 8, 2020 email from Marc Agnew, Vice President of Commercial Networks at Viasat, containing his notes from Viasat's September 8 call with Commission staff. The email was previously submitted as Exhibit C to the Second Petition Declaration.

4. Attached hereto as **Exhibit D** is a true and correct copy of the revised network information Viasat submitted to Commission staff on September 18, 2020. The information was previously submitted as Exhibit D to the Second Petition Declaration.

5. Attached hereto as **Exhibit E** is a true and correct copy of the September 18, 2020 email sent from Mary Lovejoy, Attorney Advisor, Auctions Division, Office of Economics and Analytics, to Christopher J. Murphy confirming receipt of Viasat's revised network information. The email was previously submitted as Exhibit E to the Second Petition Declaration.

6. Attached hereto as **Exhibit F** is a true and correct copy of the September 23, 2020 letter sent from Christopher J. Murphy to Jonathan Campbell, Chief, Auctions Division, Office of Economics and Analytics, Federal Communications Commission in which Viasat detailed the timeline of the Commission staff's request for additional information. The letter was previously submitted as Exhibit F to the Second Petition Declaration.

7. Attached hereto as **Exhibit G** is a true and correct copy of the Bureaus' final eligibility determinations posted to Viasat's application portal on October 13, 2020. The determinations were previously submitted as Exhibit G to the Second Petition Declaration.

8. Attached hereto as **Exhibit H** is a true and correct copy of the Emergency Petition for Reconsideration of Viasat, Inc. ("First Petition") filed confidentially with the Bureaus on October 23, 2020. The exhibits to the First Petition have been omitted to avoid duplicating Exhibits A

through G of this declaration. The First Petition was previously submitted as Exhibit H to the Second Petition Declaration.

9. Attached hereto as **Exhibit I** is a true and correct copy of the Bureaus' October 27, 2020, confidential letter order granting in part and denying in part Viasat's First Petition ("First Order"). The First Order was previously submitted as Exhibit I to the Second Petition Declaration.

10. Attached hereto as **Exhibit J** is a true and correct copy of the Second Emergency Petition for Reconsideration of Viasat, Inc. ("Second Petition") filed confidentially with the Bureaus on November 9, 2020.

11. Attached hereto as **Exhibit K** is a true and correct copy of the Second Petition Declaration filed confidentially with the Bureaus on November 9, 2020, contemporaneously with Viasat's Second Petition. The exhibits to the Second Petition Declaration have been omitted to avoid duplicating Exhibits A through I of this declaration.

12. Attached hereto as **Exhibit L** is a true and correct copy of an email chain reflecting my correspondence with Commission staff regarding the status of Viasat's Second Petition. On November 20, 2020, I sent an email to the Auction 904 email address (Auction904@fcc.gov) inquiring about the status of the Bureaus' response to Viasat's Second Petition. On November 23, 2020, in response to my November 20, 2020 email, I received a call from two members of the Commission's staff: Michael Janson (Director, Rural Broadband Auctions Task Force) and Mark Montano (Auctions Division, Office of Economics & Analytics). On the call, Mr. Janson confirmed that the Bureaus had received Viasat's Second Petition and my November 20, 2020 email requesting a status update. He further stated that he understood why Viasat had requested a decision by a date certain, that the Commission was working on the response and hoped to release it soon, but that the Bureaus needed to go through their internal processes. On December 18, 2020,

I sent another email to the Auction 904 email address (Auction904@fcc.gov) inquiring about the status of the Bureaus' response to Viasat's Second Petition. Mr. Montano responded via email to me, other Viasat counsel, and Mr. Janson on December 22, 2020, and stated in that email that the Bureaus were "unlikely to be able to release" a response to the Second Petition "until after the holidays."

13. Attached hereto as **Exhibit M** is a true and correct copy of the Bureaus' January 15, 2021 letter order dismissing and alternatively denying Viasat's Second Petition.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 29, 2021

/s/ Christopher J. Murphy
Christopher J. Murphy

Exhibit A



(Print Copy For Reference Only)
Auctions: Form 183

Status: **Submitted**
Date Received: 7/15/20
File Number: **0009150047**

Applicant Information**Legal Classification**

Corporation

Holding Company Question

Question	Response
Is the applicant a holding company that is submitting its application on behalf of itself and one or more existing operating company?	Yes

Applicant Name

Entity Name	Address	Jurisdiction of Formation
Viasat, Inc.	6155 El Camino Real Carlsbad , CA 92009 United States	Delaware

Responsible Party: Corporation

Name	Phone	Email
Robert Blair VP, GC, and Secretary	(760) 476-2200	robert.blair@viasat.com

Contact Information

Name	Phone	Fax	Email	Address
Christopher J Murphy	(760) 893-3269	(760) 929-3941	christopher.murphy@viasat.com	6155 El Camino Real Carlsbad , CA 92009 United States

Authorized Bidders

Name	Phone	Email
Steve Lanning	(720) 493-6075	steve.lanning@viasat.com
Alexander Yoder	(760) 893-1364	alexander.yoder@viasat.com
Petrus Nguyen	(760) 893-3480	Petrus.Nguyen@viasat.com

Eligible Telecommunications Carrier (ETC)

Question	Response
Is the applicant, including any of the applicant's parent companies and subsidiaries, currently an Eligible Telecommunications Carrier (ETC)?	Yes

Study Area Codes (SACs)

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Study Area Code	SAC Name	State
109021	VIASAT CARRIER SERVICES INC.	Maine
209037	VIASAT CARRIER SERVICES INC.	West Virginia
219023	VIASAT CARRIER SERVICES INC.	Florida
229032	VIASAT CARRIER SERVICES INC.	Georgia
259049	VIASAT CARRIER SERVICES INC.	Alabama
269054	VIASAT CARRIER SERVICES INC.	Kentucky
279055	VIASAT CARRIER SERVICES INC.	Louisiana
339062	VIASAT CARRIER SERVICES INC.	Wisconsin
459030	VIASAT CARRIER SERVICES INC.	Arizona
469036	VIASAT CARRIER SERVICES INC.	Colorado
479026	VIASAT CARRIER SERVICES INC.	Idaho
489017	VIASAT CARRIER SERVICES INC.	Montana
499022	VIASAT CARRIER SERVICES INC.	New Mexico
509022	VIASAT CARRIER SERVICES INC.	Utah
519022	VIASAT CARRIER SERVICES INC.	Wyoming
529028	VIASAT CARRIER SERVICES INC.	Washington
549035	VIASAT CARRIER SERVICES INC.	California

FCC Form 477

Question	Response
Did the applicant or any related entity file an FCC Form 477 during the past two years?	Yes

Identify FCC Form 477 FRN(s)

FRN	Name
0004963088	ViaSat, Inc.

FCC Form 499

Question	Response
Did the applicant or any related entity file an FCC Form 499-A in the past year?	Yes

Identify FCC Form 499 Filer ID(s)

Filer ID	Name
829952	ViaSat, Inc.
833408	ViaSat Carrier Services, Inc.

Operational and Financial Information

Question	Response
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Question	Response
Has the applicant provided a voice, broadband and/or electric transmission or distribution service for at least two years, or is it a wholly-owned subsidiary of such an entity?	Yes
The applicant certifies that it has provided a voice, broadband and/or electric transmission or distribution service for at least two years, or that it is a wholly-owned subsidiary of such an entity	Yes
Parent Company Name	
Number of years the applicant or its parent company has been operating	15
Has the applicant or its parent company operated only an electric transmission or distribution network, but not provided a voice and/or broadband service, for at least two years?	No
Services that apply	Voice Broadband
The applicant certifies that it or its parent company has submitted FCC Form 477 data as required for the past two years	Yes

Identify the FRN(s) used to submit the FCC Form 477 data for the past two years:

FRN	Entity Name	Date(s) Associated with FCC Form 477 Filing(s)
0004963088	ViaSat, Inc.	31-Dec-2019, 30-Jun-2019, 31-Dec-2018

Has the applicant or its parent company been audited in the ordinary course of business?	Yes
Does the applicant request that the financial information contained in this application be withheld from public inspection pursuant to Section 0.459(a)(4) of the Commission's rules?	No
Does the applicant or its parent company's submitted audited year-end financial statements include a clean opinion letter?	Yes

State & Performance Tier/Latency**Saved Combinations**

State	Performance Tier	Latency	Technology	T+L Weight
Alabama	Minimum	High	Satellite	90
Spectrum Band/Bandwidth (uplink/downlink):				
■ Ka Band (satellite) - 2,350.0 - 2,300.0				
Alabama	Baseline	High	Satellite	75
Spectrum Band/Bandwidth (uplink/downlink):				
■ Ka Band (satellite) - 2,350.0 - 2,300.0				
Alabama	Above Baseline	High	Satellite	60
Spectrum Band/Bandwidth (uplink/downlink):				
■ Ka Band (satellite) - 2,350.0 - 2,300.0				
Alabama	Minimum	Low	Terrestrial Fixed Wireless	50
Spectrum Band/Bandwidth (uplink/downlink):				
■ 5 GHz - 580.0 - 580.0				
■ CBRS (3.5 GHz) - 150.0 - 150.0				
■ 3.7 GHz Service - 280.0 - 280.0				

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State	Performance Tier	Latency	Technology	T+L Weight
Alabama	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Alabama	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Alabama	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Alabama	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Alabama	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Arizona	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Arizona	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Arizona	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Arizona	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Arizona	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Arizona	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Arizona	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Arizona	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Arizona	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Arkansas	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
Arkansas	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Arkansas	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Arkansas	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Arkansas	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Arkansas	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Arkansas	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Arkansas	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Arkansas	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
California	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
California	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
California	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
California	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
California	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
California	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
California	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
California	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
California	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Colorado	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Colorado	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Colorado	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Colorado	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Colorado	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Colorado	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Colorado	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Colorado	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Colorado	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Connecticut	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Connecticut	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Connecticut	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Connecticut	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

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State	Performance Tier	Latency	Technology	T+L Weight
Connecticut	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Connecticut	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Connecticut	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Connecticut	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Connecticut	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Delaware	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Delaware	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Delaware	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Delaware	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Delaware	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Delaware	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Delaware	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Delaware	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Delaware	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
District of Columbia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
District of Columbia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
District of Columbia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
District of Columbia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
District of Columbia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
District of Columbia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
District of Columbia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
District of Columbia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
District of Columbia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Florida	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Florida	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Florida	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Florida	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Florida	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Florida	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Florida	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Florida	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Florida	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Georgia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Georgia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Georgia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Georgia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Georgia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Georgia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Georgia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Georgia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Georgia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Idaho	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Idaho	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Idaho	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Idaho	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

State	Performance Tier	Latency	Technology	T+L Weight
Idaho	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Idaho	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Idaho	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Idaho	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Idaho	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Illinois	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Illinois	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Illinois	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Illinois	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Illinois	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Illinois	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Illinois	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Illinois	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Illinois	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Indiana	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
Indiana	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Indiana	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Indiana	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Indiana	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Indiana	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Indiana	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Indiana	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Indiana	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Iowa	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Iowa	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Iowa	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Iowa	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Iowa	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Iowa	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Iowa	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Iowa	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Iowa	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Kansas	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Kansas	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Kansas	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Kansas	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Kansas	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Kansas	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Kansas	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Kansas	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Kansas	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Kentucky	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Kentucky	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Kentucky	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Kentucky	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

State	Performance Tier	Latency	Technology	T+L Weight
Kentucky	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Kentucky	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Kentucky	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Kentucky	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Kentucky	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Louisiana	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Louisiana	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Louisiana	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Louisiana	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Louisiana	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Louisiana	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Louisiana	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Louisiana	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Louisiana	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Maine	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

State	Performance Tier	Latency	Technology	T+L Weight
Maine	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Maine	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Maine	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Maine	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Maine	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Maine	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Maine	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Maine	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Maryland	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Maryland	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Maryland	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Maryland	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Maryland	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Maryland	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Maryland	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Maryland	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Maryland	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Massachusetts	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Massachusetts	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Massachusetts	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Massachusetts	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Massachusetts	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Massachusetts	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Massachusetts	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Massachusetts	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Massachusetts	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Michigan	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Michigan	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Michigan	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Michigan	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

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State	Performance Tier	Latency	Technology	T+L Weight
Michigan	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Michigan	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Michigan	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Michigan	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Michigan	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Minnesota	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Minnesota	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Minnesota	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Minnesota	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Minnesota	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Minnesota	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Minnesota	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Minnesota	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Minnesota	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Mississippi	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
Mississippi	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Mississippi	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Mississippi	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Mississippi	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Mississippi	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Mississippi	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Mississippi	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Mississippi	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Missouri	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Missouri	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Missouri	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Missouri	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Missouri	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Missouri	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Missouri	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Missouri	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Missouri	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Montana	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Montana	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Montana	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Montana	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Montana	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Montana	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Montana	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Montana	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Montana	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Nebraska	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Nebraska	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Nebraska	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Nebraska	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

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State	Performance Tier	Latency	Technology	T+L Weight
Nebraska	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Nebraska	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Nebraska	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Nebraska	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Nebraska	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Nevada	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Nevada	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Nevada	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Nevada	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Nevada	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Nevada	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Nevada	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Nevada	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Nevada	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
New Hampshire	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
New Hampshire	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
New Hampshire	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
New Hampshire	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
New Hampshire	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
New Hampshire	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
New Hampshire	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
New Hampshire	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
New Hampshire	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
New Jersey	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
New Jersey	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
New Jersey	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
New Jersey	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
New Jersey	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
New Jersey	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
New Jersey	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
New Jersey	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
New Jersey	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
New Mexico	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
New Mexico	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
New Mexico	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
New Mexico	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
New Mexico	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
New Mexico	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
New Mexico	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
New Mexico	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
New Mexico	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
New York	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
New York	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
New York	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
New York	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

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State	Performance Tier	Latency	Technology	T+L Weight
New York	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
New York	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
New York	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
New York	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
New York	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
North Carolina	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
North Carolina	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
North Carolina	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
North Carolina	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
North Carolina	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
North Carolina	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
North Carolina	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
North Carolina	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
North Carolina	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
North Dakota	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
North Dakota	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
North Dakota	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
North Dakota	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
North Dakota	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
North Dakota	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
North Dakota	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
North Dakota	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
North Dakota	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Ohio	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Ohio	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Ohio	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Ohio	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Ohio	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Ohio	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Ohio	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Ohio	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Ohio	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Oklahoma	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Oklahoma	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Oklahoma	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Oklahoma	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Oklahoma	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Oklahoma	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Oklahoma	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Oklahoma	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Oklahoma	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Oregon	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Oregon	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Oregon	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Oregon	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

State	Performance Tier	Latency	Technology	T+L Weight
Oregon	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Oregon	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Oregon	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Oregon	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Oregon	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Pennsylvania	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Pennsylvania	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Pennsylvania	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Pennsylvania	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Pennsylvania	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Pennsylvania	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Pennsylvania	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Pennsylvania	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Pennsylvania	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Rhode Island	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

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State	Performance Tier	Latency	Technology	T+L Weight
Rhode Island	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Rhode Island	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Rhode Island	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Rhode Island	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Rhode Island	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Rhode Island	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Rhode Island	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Rhode Island	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
South Carolina	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
South Carolina	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
South Carolina	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
South Carolina	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
South Carolina	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
South Carolina	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

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State	Performance Tier	Latency	Technology	T+L Weight
South Carolina	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
South Carolina	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
South Carolina	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
South Dakota	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
South Dakota	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
South Dakota	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
South Dakota	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
South Dakota	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
South Dakota	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
South Dakota	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
South Dakota	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
South Dakota	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Tennessee	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Tennessee	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Tennessee	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Tennessee	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

State	Performance Tier	Latency	Technology	T+L Weight
Tennessee	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Tennessee	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Tennessee	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Tennessee	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Tennessee	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Texas	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Texas	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Texas	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Texas	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Texas	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Texas	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Texas	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Texas	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Texas	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Utah	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

State	Performance Tier	Latency	Technology	T+L Weight
Utah	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Utah	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Utah	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Utah	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Utah	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Utah	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Utah	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Utah	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Vermont	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Vermont	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Vermont	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Vermont	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Vermont	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Vermont	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Vermont	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Vermont	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Vermont	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Virginia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Virginia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Virginia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Virginia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Virginia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Virginia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Virginia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Virginia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Virginia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Washington	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Washington	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Washington	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Washington	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50

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State	Performance Tier	Latency	Technology	T+L Weight
Washington	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Washington	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Washington	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Washington	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Washington	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
West Virginia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
West Virginia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
West Virginia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
West Virginia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
West Virginia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
West Virginia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
West Virginia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
West Virginia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
West Virginia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Wisconsin	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90

State	Performance Tier	Latency	Technology	T+L Weight
Wisconsin	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Wisconsin	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Wisconsin	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Wisconsin	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Wisconsin	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20
Wisconsin	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Wisconsin	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Wisconsin	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20
Wyoming	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	90
Wyoming	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	75
Wyoming	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,350.0 - 2,300.0	60
Wyoming	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	50
Wyoming	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	35
Wyoming	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): ■ 5 GHz - 580.0 - 580.0 ■ CBRS (3.5 GHz) - 150.0 - 150.0 ■ 3.7 GHz Service - 280.0 - 280.0	20

State	Performance Tier	Latency	Technology	T+L Weight
Wyoming	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	50
Wyoming	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	35
Wyoming	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): ■ Ka Band (satellite) - 2,100.0 - 1,800.0	20

Agreements

Agreements with Other Parties

☒ Yes, the applicant *has* entered into partnerships, joint ventures, consortia, or other agreements, arrangements, or understandings of any kind relating to the potentially eligible areas being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific potentially eligible areas on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.

Agreements

Agreement ID	Agreement Type	Name	Type	FRN
Agreement 1	Other - Consulting	Viasat, Inc.	Entity	0004963088
		Auctionomics, Inc.	Entity	
Agreement 2	Other - Consulting	Viasat, Inc.	Entity	0004963088
		3C Systems Company	Entity	
Agreement 3	Other - Consulting	Viasat, Inc.	Entity	0004963088
		VALL Technologies, Inc.	Entity	0024163081

Ownership

Disclosable Interest Holders of this Applicant

Richard A Baldridge

Disclosable Interest Holder Information

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<div>■ Direct Ownership Interest in Applicant</div> <div>■ Officer</div> <div>■ Director</div>	■ Common Stock : Voting	0.62%	United States

FCC Regulated Business held by this Disclosable Interest Holder

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You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Baupost Group GP, L.L.C.**Disclosable Interest Holder Information**

Type	Entity Type	FRN	Address
Entity	Limited Liability Company		10 St. James Avenue Suite 1700 Boston, MA 02116

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Jurisdiction of Formation
<ul style="list-style-type: none"> Indirect Ownership Interest in Applicant 	<ul style="list-style-type: none"> Other : Indirect interest as manager of The Baupost Group, L.L.C. 	21.79%	Delaware

FCC Regulated Business held by this Disclosable Interest Holder

FRB (FCC Regulated Businesses) Name	Principal Business	FRN	Percent of Interest Held by DIH
Liberty Global plc	Telecommunications Services	0025075649	13.05%
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	21.79%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	21.79%
Viasat, Inc.	Satellite Communications	0004963088	21.79%

Robert Blair**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Officer 	<ul style="list-style-type: none"> Common Stock : Voting 	0.08%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Girish Chandran**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">■ Direct Ownership Interest in Applicant■ Officer	<ul style="list-style-type: none">■ Common Stock : Voting	0.02%	United States

FCC Regulated Business held by this Disclosable Interest Holder
You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Mark D Dankberg

Disclosable Interest Holder Information

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">■ Direct Ownership Interest in Applicant■ Officer■ Director	<ul style="list-style-type: none">■ Common Stock : Voting	3.09%	United States

FCC Regulated Business held by this Disclosable Interest Holder
You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

James Dodd

Disclosable Interest Holder Information

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">■ Direct Ownership Interest in Applicant■ Officer	<ul style="list-style-type: none">■ Common Stock : Voting	0.00%	United States

FCC Regulated Business held by this Disclosable Interest Holder
You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Shawn Duffy**Disclosable Interest Holder Information**

Type	FRN	Address	
Individual		6155 El Camino Real Carlsbad, CA 92009	
Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Officer 	<ul style="list-style-type: none"> Common Stock : Voting 	0.17%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

FPR Partners LLC**Disclosable Interest Holder Information**

Type	Entity Type	FRN	Address
Entity	Limited Liability Company		199 Fremont Street Suite 2500 San Francisco, CA 94105
Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Jurisdiction of Formation
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant 	<ul style="list-style-type: none"> Common Stock : Voting 	10.84%	Delaware

FCC Regulated Business held by this Disclosable Interest Holder

FRB (FCC Regulated Businesses) Name	Principal Business	FRN	Percent of Interest Held by DIH
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	10.84%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	10.84%
Viasat, Inc.	Satellite Communications	0004963088	10.84%

Kevin Harkenrider**Disclosable Interest Holder Information**

Type	FRN	Address
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Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">■ Direct Ownership Interest in Applicant■ Officer	<ul style="list-style-type: none">■ Common Stock : Voting	0.12%	United States

FCC Regulated Business held by this Disclosable Interest Holder
You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Dr. Robert W Johnson

Disclosable Interest Holder Information

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">■ Direct Ownership Interest in Applicant■ Director	<ul style="list-style-type: none">■ Common Stock : Voting	1.13%	United States

FCC Regulated Business held by this Disclosable Interest Holder
You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Melinda Kimbro

Disclosable Interest Holder Information

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">■ Direct Ownership Interest in Applicant■ Officer	<ul style="list-style-type: none">■ Common Stock : Voting	0.08%	United States

FCC Regulated Business held by this Disclosable Interest Holder
You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

REDACTED - FOR PUBLIC INSPECTION**Seth A Klarman****Disclosable Interest Holder Information**

Type	FRN	Address
Individual		10 St. James Avenue Suite 1700 Boston, MA 02116

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Indirect Ownership Interest in Applicant 	<ul style="list-style-type: none"> Other : Indirect interest as manager of The Baupost Group, L.L.C. 	21.79%	United States

FCC Regulated Business held by this Disclosable Interest Holder

FRB (FCC Regulated Businesses) Name	Principal Business	FRN	Percent of Interest Held by DIH
Liberty Global plc	Telecommunications Services	0025075649	13.05%
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	21.79%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	21.79%
Viasat, Inc.	Satellite Communications	0004963088	21.79%

Keven K Lippert**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Officer 	<ul style="list-style-type: none"> Common Stock : Voting 	0.14%	United States

FCC Regulated Business held by this Disclosable Interest Holder*You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder***Mark J Miller****Disclosable Interest Holder Information**

Type	FRN	Address
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Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Officer 	<ul style="list-style-type: none"> Common Stock : Voting 	0.65%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Sean Pak**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Director 	<ul style="list-style-type: none"> Common Stock : Voting 	0.02%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Bob Peck**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		199 Fremont Street Suite 2500 San Francisco, CA 94105

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Indirect Ownership Interest in Applicant 	<ul style="list-style-type: none"> Other : Indirect interest as managing member of FPR Partners, LLC 	10.84%	United States

FCC Regulated Business held by this Disclosable Interest Holder

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FRB (FCC Regulated Businesses) Name	Principal Business	FRN	Percent of Interest Held by DIH
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	10.84%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	10.84%
Viasat, Inc.	Satellite Communications	0004963088	10.84%

Ken Peterman**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Officer 	<ul style="list-style-type: none"> Common Stock : Voting 	0.07%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Andrew Raab**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		199 Fremont Street Suite 2500 San Francisco, CA 94105

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Indirect Ownership Interest in Applicant 	<ul style="list-style-type: none"> Other : Indirect interest as managing member of FPR Partners, LLC 	10.84%	United States

FCC Regulated Business held by this Disclosable Interest Holder

FRB (FCC Regulated Businesses) Name	Principal Business	FRN	Percent of Interest Held by DIH
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	10.84%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	10.84%
Viasat, Inc.	Satellite Communications	0004963088	10.84%

REDACTED - FOR PUBLIC INSPECTION**Varsha Rao****Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">Direct Ownership Interest in ApplicantDirector	<ul style="list-style-type: none">Common Stock : Voting	0.04%	United States

FCC Regulated Business held by this Disclosable Interest Holder*You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder***Dave Ryan****Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">Direct Ownership Interest in ApplicantOfficer	<ul style="list-style-type: none">Common Stock : Voting	0.01%	United States

FCC Regulated Business held by this Disclosable Interest Holder*You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder***John P Stenbit****Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none">Direct Ownership Interest in ApplicantDirector	<ul style="list-style-type: none">Common Stock : Voting	0.07%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

The Baupost Group, L.L.C.**Disclosable Interest Holder Information**

Type	Entity Type	FRN	Address
Entity	Limited Liability Company		10 St. James Avenue Suite 1700 Boston, MA 02116

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Jurisdiction of Formation
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant 	<ul style="list-style-type: none"> Common Stock : Voting 	21.79%	Delaware

FCC Regulated Business held by this Disclosable Interest Holder

FRB (FCC Regulated Businesses) Name	Principal Business	FRN	Percent of Interest Held by DIH
Liberty Global plc	Telecommunications Services	0025075649	13.05%
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	21.79%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	21.79%
Viasat, Inc.	Satellite Communications	0004963088	21.79%

Harvey P White**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<ul style="list-style-type: none"> Direct Ownership Interest in Applicant Director 	<ul style="list-style-type: none"> Common Stock : Voting 	0.09%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

Dr. Theresa Wise

REDACTED - FOR PUBLIC INSPECTION**Disclosable Interest Holder Information**

Type	FRN	Address
Individual		6155 El Camino Real Carlsbad, CA 92009

Type of Interest in Applicant	Type of Ownership Interest in Applicant	Disclosable Interest Held in Applicant	Country of Citizenship
<input type="checkbox"/> Director	<input type="checkbox"/> Other : Director Only	0.00%	United States

FCC Regulated Business held by this Disclosable Interest Holder

You have not specified any FCC Regulated Businesses held by this Disclosable Interest Holder

FCC Regulated Businesses of this Applicant

Name	Principal Business	FRN	Percent of Interest Held by Applicant
Trellisware Technologies, Inc.	Telecommunications Services	0016791279	55.10%
Viasat Carrier Services, Inc.	Satellite Communications	0027846104	100.00%

Certify and Submit**Certify Auction Application**

I certify the following:

1. that the application discloses all real parties in interest to any agreements involving the applicant's participation in the competitive bidding.
2. that the applicant has not entered into any explicit or implicit agreements, arrangements, or understandings of any kind related to the support to be sought through the Rural Digital Opportunity Fund auction, other than those disclosed in this application.
3. that the applicant, each party capable of controlling the applicant, and each party that may be controlled by the applicant or by a party capable of controlling the applicant have complied with and will continue to comply with section 1.21002 of Title 47 of the Code of Federal Regulations.
4. that the applicant is in compliance with all statutory and regulatory requirements for receiving the universal service support that the applicant seeks, or that the applicant acknowledges that it must be in compliance with such requirements before being authorized to receive support.
5. that the applicant will make any payment that may be required pursuant to section 1.21004 of Title 47 of the Code of Federal Regulations.
6. that the applicant is financially and technically qualified to meet the public interest obligations of section 54.805 of Title 47 of the Code of Federal Regulations for each relevant performance tier and latency combination and in each area for which it seeks support.
7. that the applicant acknowledges that it must be designated as an eligible telecommunications carrier for the area in which it will receive support prior to being authorized to receive support.
8. that, to the extent the applicant plans to use spectrum to offer its voice and broadband services, the applicant will retain such access for at least ten (10) years from the date of the funding authorization.
9. that the applicant acknowledges that it has sole responsibility for investigating and evaluating all technical and marketplace factors that may have a bearing on the level of Rural Digital Opportunity Fund support it submits as a bid, and that, if the applicant wins support, it will be able to build and operate facilities in accordance with the Rural Digital Opportunity Fund obligations and the Commission's rules generally.
10. that the applicant acknowledges that it cannot place any bids in the same state as (i) another commonly controlled entity; (ii) another party to a joint bidding arrangement related to Rural Digital Opportunity Fund auction support that it is a party to; or (iii) any entity that controls a party to such an arrangement.

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11. that the applicant and any party to this application are not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

12. that the applicant is aware that if this application is shown to be defective, the application may be dismissed without further consideration and penalties may apply.

I declare, under penalties of perjury, that I am an authorized representative of the above named applicant, that I have read the instructions and the foregoing certifications, and that all matters and things stated in this application, its schedules, and attachments, including exhibits, are true and correct.

Signature

Robert Blair

VP, GC, and Secretary

[Network Information Attachment and Annexes Redacted]

Exhibit B

FEDERAL COMMUNICATIONS COMMISSION

1270 Fairfield Rd.
Gettysburg, PA 17325

September 1, 2020

Viasat, Inc.
Christopher J. Murphy
6155 El Camino Real
Carlsbad, CA 92009

Re: Short-Form Application of Viasat, Inc. for Auction 904 —
Listing of Application Deficiencies

The Commission has received your short-form application (FCC Form 183) to participate in the upcoming Auction 904 (Rural Digital Opportunity Fund Phase I). Preliminary review of your application reveals that it is incomplete or deficient, and it has been classified as such in the public notice, Rural Digital Opportunity Fund Phase I Auction; Status of Short-Form Applications to Participate in Auction 904; Corrections Due September 23, 2020; DA 20-960, released on September 01, 2020. Please carefully review this public notice, which has been sent by email to each applicant. The application deficiencies revealed in our preliminary review are listed on the next page. Additionally, you should access your submitted application and view the initial eligibility determination for each selected performance tier and latency combination directly in the Auction Application System on the *View Eligibility Determinations* page.

To be eligible to participate in Auction 904, among other requirements, you must electronically resubmit a corrected short-form application prior to 6:00 PM Eastern Time on September 23, 2020. This will be your only opportunity to cure the defect(s) in your application.

The FCC's Auction Application System must be used to amend and resubmit your short-form application. Hard copy amendments will not be accepted. After resubmission of the revised application, you should print and retain a copy of the displayed confirmation page, as well as a copy of the revised application, for your records.

Please email resub904@fcc.gov for specific questions about your incomplete status or application deficiencies. The email should include the name of the applicant in the subject line and conspicuously state "ATTN: [the staff member listed on the next page]". Please also provide your name and identify a time period and phone number at which you can receive a call in the next one or two business days. Your assigned staff member will respond and confirm a time to discuss your application.

Because your application has a performance tier and latency combination that has been deemed unacceptable, you are strongly encouraged to promptly request a conference call between FCC technical reviewers and your engineers to aid in any technical resubmission. Any delay in such a request may foreclose the opportunity for a call with FCC technical reviewers.

For general auction questions, please call the FCC Auctions Hotline at (888) 225-5322, option two; or (717) 338-2868.

We remind applicants that Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 183, unless the applicant's certifying official or contact person notifies Commission staff in writing that another representative is authorized to speak on the applicant's behalf. Authorizations may be sent by email to resub904@fcc.gov.

Enclosures

Viasat, Inc.

The name and email address of your FCC reviewer is:

Mary Lovejoy

resub904@fcc.gov

Application Deficiencies:

1. The application is missing required network information in response to the operational questions listed in the Auction 904 Procedures Public Notice, or the network information provided by the applicant is insufficient or inconsistent with information contained elsewhere in the application or in other FCC filings. 47 CFR §§ 54.804(a)(2), (a)(4)-(5); Auction 904 Procedures Public Notice, Appendix A.

Exhibit C

REDACTED - FOR PUBLIC INSPECTION

From: [Agnew, Marc](#)
To: [Buer, Ken](#); [Mark A. Sturza](#); [Vigano, Maria](#); [Martin, Remberto](#); [Abrahamian, David](#); [Mendelsohn, Aaron](#)
Cc: [Treesh, Fred](#); [Monk, Anton](#); [Sophinos, Jason](#); [Murphy, Chris](#)
Subject: Feedback from FCC on LEO short form application
Date: Tuesday, September 8, 2020 5:48:09 PM

We had our call today with the FCC to get feedback on our RDOF Short Form application. They brought up 4 questions on LEO and asked us to provide additional information on each as a markup to our previous submission.

1. In our latency budget, did we take into account peak loading?
2. What is the effect of spectrum sharing on quality of service?
3. Can we build a cost-effective LEO terminal and scale it up to mass production?
4. Provide more information on how we intend to meet the RDOF milestones, i.e. offer service to 40% of locations won in the auction within 3 years and 100% within 5 years.

The deadline for resubmitting our application is Sept 23rd but they said if we submit early enough, they will provide feedback. Practically speaking, to take advantage of this offer, we need to submit an update next week. To get us started on this, I've made the following assignments:

1. Latency budget – [REDACTED]
2. Effect of spectrum sharing – [REDACTED]
3. Cost effective LEO terminal – [REDACTED]
4. Milestone schedule – [REDACTED]

[REDACTED] – I'll schedule a call with you to discuss the spectrum sharing issue.

I'll reach out to individuals on the other items.

Thanks,

Marc

Exhibit D

[Redacted]

Exhibit E

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From: [Mary Lovejoy](#)
To: [Murphy, Chris](#)
Subject: FW: Viasat, Inc. ATTN: Mary Lovejoy [Call Request]
Date: Friday, September 18, 2020 2:06:04 PM

Hi Chris,

I have notified our engineers that you have updated your network attachment, and I will let you know if they have any feedback once they have had a chance to review.

Mary Lovejoy
Attorney Advisor
Auctions Division, Office of Economics and Analytics
202-418-2024

Non-public; for internal use only

From: Murphy, Chris <Christopher.Murphy@viasat.com>
Sent: Friday, September 18, 2020 1:31 PM
To: Resub904 <Resub904@fcc.gov>
Subject: Viasat, Inc. ATTN: Mary Lovejoy [Call Request]

Application file number: 0009150047

Hello,

I'm writing to contact Mary Lovejoy to request a call with FCC review staff as soon as possible to review our resubmitted RDOF application.

We have attempted to address the questions raised by FCC staff on our previous call, but we did not receive written questions, so we would like to arrange a call asap to make sure that our **yellow highlighted** modifications are responsive to the FCC staff questions.

Please contact me as soon as possible to arrange a call. Any time is fine.

Thank you,
Chris

Christopher J. Murphy
Associate General Counsel
Regulatory Affairs
Viasat
+1.760.798.6448 (m)
+1.760.893.3269 (o)
christopher.murphy@viasat.com

Exhibit F



September 23, 2020

VIA E-MAIL

Jonathan Campbell
Chief, Auctions Division
Office of Economics and Analytics
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
E-mail: auction904@fcc.gov

Re: Viasat, Inc., Resubmission of Short-Form Application in Auction 904, File No.
0009150047

Dear Mr. Campbell:

Viasat, Inc. ("Viasat") has appreciated the opportunity to discuss the above-referenced short-form application with Commission staff during the Auction 904 resubmission window. Today, Viasat is submitting a Second Revised Main Network Information Attachment with additional information regarding the fixed wireless offering proposed in its short-form application. In making this submission, Viasat takes this opportunity to note certain irregularities in the Commission's process for evaluating Viasat's planned fixed wireless offering.

On September 1, 2020, the Commission released a Public Notice regarding the status of short-form applications for participating in the Rural Digital Opportunity Fund ("RDOF") Phase I auction (Auction 904).¹ The Public Notice stated that "each applicant will be able to access its submitted application and view the initial eligibility determination for each selected performance tier and latency combination" in its application.² The Public Notice further stated that, where an application has been deemed "incomplete," the applicant "will receive a letter identifying each deficiency in its application."³ The Public Notice encouraged applicants with "incomplete" applications to "contact the Commission staff member identified in the letter . . .

¹ See Public Notice, *Status of Short-Form Applications to Participate in Auction 904; Corrections Due September 23, 2020*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, DA 20-960 (rel. Sep. 1, 2020).

² *Id.* ¶ 10.

³ *Id.* ¶ 5.

to discuss any questions about their incomplete status or application deficiencies.”⁴ The Public Notice listed Viasat’s short-form application as one of the 384 applications deemed “incomplete.”⁵

Shortly after the release of the Public Notice, Viasat accessed its short-form application in the Commission’s Auction Application System to view staff’s initial eligibility determinations. The system reflected that staff had deemed Viasat’s planned fixed wireless offering as “eligible” for the auction. The system also reflected that the portions of Viasat’s application regarding its planned geostationary orbit (“GSO”) and low earth orbit (“LEO”) offerings were deemed incomplete. As to the incomplete portions, Viasat received a letter from Commission staff on September 2, 2020, which stated: “The application is missing required network information in response to the operational questions listed in the Auction 904 Procedures Public Notice, or the network information provided by the applicant is insufficient or inconsistent with information contained elsewhere in the application or in other FCC filings.” The letter did not provide any information about the missing information, or an insufficiency or inconsistency.

Viasat promptly reached out to Commission staff to schedule a time to understand the concerns that were not specifically articulated in the letter. During the scheduling process, the staff contact confirmed that the questions regarding Viasat’s application pertained *only* to the network information for its planned GSO and LEO networks, and that staff had no questions regarding the planned fixed wireless network.

On September 8, 2020, Viasat personnel participated in a teleconference with Commission staff from the Rural Broadband Auctions Task Force and the International Bureau, during which staff orally posed a set of five questions regarding the GSO and LEO portions of Viasat’s application. On September 18, 2020, Viasat resubmitted its short-form application with a Revised Main Network Information Attachment responding to each of the five questions raised by Commission staff regarding its planned GSO and LEO networks.

Throughout this period, Viasat had no reason to believe that Commission staff *also* had questions about the fixed wireless portion of its application. To the contrary, as noted above, (1) the online system designated Viasat’s planned fixed wireless network as “eligible,” (2) Commission staff told Viasat that there were no questions about its planned fixed wireless network, and (3) the only questions raised by staff at the September 8 teleconference pertained to Viasat’s planned GSO and LEO networks. During this time, Viasat diligently and promptly followed up on each interaction with Commission staff regarding its short-form application and received no indication that any further information about its planned fixed wireless offering was needed.

Then, on the evening of September 22, 2020—the eve of the resubmission deadline—a Commission staff member notified Viasat that an engineer had questions about Viasat’s short-

⁴ *Id.* ¶ 10.

⁵ *Id.*, Attachment B.

form application. Viasat quickly assembled the relevant personnel and had them on a call with Commission staff within the hour. In the ensuing discussion, staff orally posed over *two dozen* new and detailed technical questions, focused solely on Viasat's planned fixed wireless offering. Staff also indicated that responses would be due in less than 24 hours, and that an extension was highly unlikely to be granted were one sought.

Moreover, the overwhelming majority of these questions sought far more detailed information than the Commission has indicated is required at the short-form stage. As explained in the *RDOF Order*, the short-form process is designed to collect "basic information" about an applicant's planned network.⁶ The Commission specifically rejected proposals to "require that a prospective bidder demonstrate more thorough qualifications at the short-form stage focusing on technical and operational qualifications," or to "shift[] to the short-form review more of the detailed technical and financial showings conducted at the long-form review."⁷ The Commission explained that "requiring more technical and operational information before the auction begins will provide significant barriers to entry," and that "additional technical information at the short-form stage would be speculative based on a presumption of what a winning area would look like."⁸ Yet the questions posed on September 22 step well past this line, seeking detailed information that is best suited for the long-form stage.

Despite these significant process irregularities and severe time constraints, Viasat has endeavored in good faith to respond to these questions in the Second Revised Main Network Information Attachment filed in conjunction with this resubmission. Given the timing, volume, and level of detail of these questions, Viasat would welcome the opportunity to discuss its responses further with staff as appropriate.

Respectfully submitted,

/s/

Christopher J. Murphy
Associate General Counsel, Regulatory Affairs
Viasat, Inc.

⁶ *Rural Digital Opportunity Fund; Connect America Fund*, Report and Order, 35 FCC Rcd 686 ¶ 69 (2020).

⁷ *Id.* ¶ 78 (internal quotation marks and citations omitted).

⁸ *Id.*

Exhibit G

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Auction 904
Rural Digital Opportunity Fund Phase I

Applicant:
Viasat, Inc.

Final
Phase
Open:

Status:
Submitted

Final Eligibility Determinations

State	Performance Tier	Latency	Technology	T+L Weight	Tier-Latency-Technology Eligibility
Alabama	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Alabama	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Alabama	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
Alabama	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Alabama	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Alabama	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Alabama	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Alabama	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Alabama	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Arizona	Baseline	High	Satellite	75	Eligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 		
Arizona	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Arizona	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Arizona	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Arizona	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Arizona	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Arizona	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Arizona	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Arizona	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Arkansas	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Arkansas	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible

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Arkansas	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Arkansas	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
Arkansas	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Arkansas	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Arkansas	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Arkansas	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Arkansas	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
California	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
California	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
California	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
California	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible

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California	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
California	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
California	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
California	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
California	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Colorado	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Colorado	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Colorado	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Colorado	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.05 GHz - 580.0 - 580.0	50	Eligible
Colorado	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Colorado	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.0	35	Eligible

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			<ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 		
Colorado	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Colorado	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Colorado	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Connecticut	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Connecticut	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Connecticut	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Connecticut	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Connecticut	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Connecticut	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Connecticut	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Connecticut	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible

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Connecticut	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Delaware	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Delaware	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	20	Eligible
Delaware	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Delaware	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	50	Eligible
Delaware	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	35	Eligible
Delaware	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Delaware	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Delaware	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Delaware	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
District of Columbia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible

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District of Columbia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
District of Columbia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
District of Columbia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
District of Columbia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
District of Columbia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
District of Columbia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
District of Columbia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
District of Columbia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Florida	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Florida	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Florida	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 	50	Eligible

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			<ul style="list-style-type: none"> • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 		
Florida	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Florida	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Florida	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Florida	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Florida	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Florida	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Georgia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Georgia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Georgia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Georgia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Georgia	Minimum	Low	Other: Low earth orbit satellite	50	Ineligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 		
Georgia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Georgia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Georgia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Georgia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Idaho	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Idaho	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Idaho	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Idaho	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Idaho	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Idaho	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Idaho	Above Baseline	Low	Other: Low earth orbit satellite	20	Ineligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 		
Idaho	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Idaho	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Illinois	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Illinois	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Illinois	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Illinois	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Illinois	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Illinois	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Illinois	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Illinois	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Illinois	Above Baseline	High	Satellite	60	Eligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 		
Indiana	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Indiana	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Indiana	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Indiana	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Indiana	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Indiana	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Indiana	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Indiana	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Indiana	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Iowa	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Iowa	Above Baseline	Low	Terrestrial Fixed Wireless	20	Eligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 		
Iowa	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Iowa	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Iowa	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 	35	Eligible
Iowa	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Iowa	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Iowa	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Iowa	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Kansas	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Kansas	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Kansas	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible

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Kansas	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Kansas	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Kansas	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Kansas	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Kansas	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Kansas	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Kentucky	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Kentucky	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Kentucky	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Kentucky	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Kentucky	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 	35	Eligible

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			<ul style="list-style-type: none"> CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 		
Kentucky	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Kentucky	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Kentucky	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Kentucky	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Louisiana	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Louisiana	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Louisiana	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Louisiana	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Louisiana	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Louisiana	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Louisiana	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink):	35	Ineligible

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			<ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 		
Louisiana	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Louisiana	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Maine	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Maine	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Maine	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Maine	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Maine	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Maine	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Maine	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Maine	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Maine	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible

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Maryland	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Maryland	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	20	Eligible
Maryland	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Maryland	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	50	Eligible
Maryland	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	35	Eligible
Maryland	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Maryland	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Maryland	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Maryland	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Massachusetts	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Massachusetts	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0	20	Eligible

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			<ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 		
Massachusetts	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Massachusetts	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 	50	Eligible
Massachusetts	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Massachusetts	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Massachusetts	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Massachusetts	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Massachusetts	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Michigan	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Michigan	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Michigan	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Michigan	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 	50	Eligible

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			<ul style="list-style-type: none"> • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 		
Michigan	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Michigan	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Michigan	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Michigan	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Michigan	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Minnesota	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Minnesota	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Minnesota	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Minnesota	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Minnesota	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Minnesota	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink):	35	Eligible

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			<ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 		
Minnesota	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Minnesota	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Minnesota	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Mississippi	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Mississippi	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Mississippi	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Mississippi	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Mississippi	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Mississippi	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Mississippi	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Mississippi	Above Baseline	Low	Other: Low earth orbit satellite	20	Ineligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 		
Mississippi	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Missouri	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Missouri	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Missouri	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Missouri	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Missouri	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Missouri	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 	35	Eligible
Missouri	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Missouri	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Missouri	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Montana	Baseline	High	Satellite	75	Eligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 		
Montana	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Montana	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Montana	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Montana	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Montana	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Montana	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Montana	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Montana	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Nebraska	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Nebraska	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible

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Nebraska	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Nebraska	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
Nebraska	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Nebraska	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Nebraska	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Nebraska	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Nebraska	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Nevada	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Nevada	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Nevada	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Nevada	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible

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Nevada	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Nevada	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Nevada	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Nevada	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Nevada	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
New Hampshire	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
New Hampshire	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
New Hampshire	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
New Hampshire	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
New Hampshire	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
New Hampshire	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.0	35	Eligible

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			<ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 		
New Hampshire	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
New Hampshire	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
New Hampshire	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
New Jersey	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
New Jersey	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
New Jersey	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
New Jersey	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
New Jersey	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
New Jersey	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
New Jersey	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
New Jersey	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible

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New Jersey	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
New Mexico	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
New Mexico	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
New Mexico	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
New Mexico	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
New Mexico	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
New Mexico	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
New Mexico	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
New Mexico	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
New Mexico	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
New York	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible

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New York	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
New York	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
New York	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
New York	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
New York	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">3.7 GHz Service - 280.0 - 280.05 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.0	35	Eligible
New York	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
New York	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
New York	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
North Carolina	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
North Carolina	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
North Carolina	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible

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North Carolina	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
North Carolina	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
North Carolina	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
North Carolina	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
North Carolina	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
North Carolina	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
North Dakota	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
North Dakota	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
North Dakota	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
North Dakota	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
North Dakota	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink):	35	Eligible

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			<ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 		
North Dakota	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
North Dakota	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
North Dakota	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
North Dakota	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Ohio	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Ohio	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Ohio	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Ohio	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Ohio	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Ohio	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> • Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Ohio	Above Baseline	Low	Other: Low earth orbit satellite	20	Ineligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 		
Ohio	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Ohio	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Oklahoma	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Oklahoma	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Oklahoma	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Oklahoma	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Oklahoma	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Oklahoma	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Oklahoma	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Oklahoma	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Oklahoma	Baseline	High	Satellite	75	Eligible

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			Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 		
Oregon	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Oregon	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Oregon	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Oregon	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Oregon	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Oregon	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Oregon	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Oregon	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Oregon	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Pennsylvania	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible

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Pennsylvania	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Pennsylvania	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
Pennsylvania	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Pennsylvania	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Pennsylvania	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Pennsylvania	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Pennsylvania	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Pennsylvania	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Rhode Island	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Rhode Island	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Rhode Island	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible

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Rhode Island	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Rhode Island	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Rhode Island	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Rhode Island	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Rhode Island	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Rhode Island	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
South Carolina	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
South Carolina	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
South Carolina	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
South Carolina	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
South Carolina	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.0	35	Eligible

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			<ul style="list-style-type: none"> 3.7 GHz Service - 280.0 - 280.0 		
South Carolina	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
South Carolina	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
South Carolina	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
South Carolina	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
South Dakota	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
South Dakota	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
South Dakota	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
South Dakota	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
South Dakota	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
South Dakota	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
South Dakota	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible

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South Dakota	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
South Dakota	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Tennessee	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Tennessee	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	20	Eligible
Tennessee	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Tennessee	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Tennessee	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	50	Eligible
Tennessee	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	35	Eligible
Tennessee	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Tennessee	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Tennessee	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible

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Texas	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Texas	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Texas	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Texas	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Texas	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
Texas	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Texas	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Texas	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Texas	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Utah	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Utah	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible

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Utah	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Utah	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Utah	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	50	Eligible
Utah	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0 • 5 GHz - 580.0 - 580.0	35	Eligible
Utah	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Utah	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Utah	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Vermont	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Vermont	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): • 5 GHz - 580.0 - 580.0 • CBRS (3.5 GHz) - 150.0 - 150.0 • 3.7 GHz Service - 280.0 - 280.0	20	Eligible
Vermont	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Vermont	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): • Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible

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Vermont	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Vermont	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Vermont	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Vermont	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Vermont	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Virginia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Virginia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Virginia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Virginia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Virginia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Virginia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 	35	Eligible

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			<ul style="list-style-type: none"> CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 		
Virginia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Virginia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
Virginia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Washington	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
Washington	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
Washington	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
Washington	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
Washington	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
Washington	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
Washington	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
Washington	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink):	90	Eligible

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			<ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 		
Washington	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
West Virginia	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible
West Virginia	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	20	Eligible
West Virginia	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	60	Eligible
West Virginia	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	35	Ineligible
West Virginia	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	50	Eligible
West Virginia	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> 5 GHz - 580.0 - 580.0 CBRS (3.5 GHz) - 150.0 - 150.0 3.7 GHz Service - 280.0 - 280.0 	35	Eligible
West Virginia	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	50	Ineligible
West Virginia	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	90	Eligible
West Virginia	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,350.0 - 2,300.0 	75	Eligible
Wisconsin	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none"> Ka Band (satellite) - 2,100.0 - 1,800.0 	20	Ineligible

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Wisconsin	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Wisconsin	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	60	Eligible
Wisconsin	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Wisconsin	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	50	Eligible
Wisconsin	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	35	Eligible
Wisconsin	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Wisconsin	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Wisconsin	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible
Wyoming	Above Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">Ka Band (satellite) - 2,100.0 - 1,800.0	20	Ineligible
Wyoming	Above Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">5 GHz - 580.0 - 580.0CBRS (3.5 GHz) - 150.0 - 150.03.7 GHz Service - 280.0 - 280.0	20	Eligible
Wyoming	Above Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink):	60	Eligible

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			<ul style="list-style-type: none">• Ka Band (satellite) - 2,350.0 - 2,300.0		
Wyoming	Baseline	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">• Ka Band (satellite) - 2,100.0 - 1,800.0	35	Ineligible
Wyoming	Minimum	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">• 5 GHz - 580.0 - 580.0• CBRS (3.5 GHz) - 150.0 - 150.0• 3.7 GHz Service - 280.0 - 280.0	50	Eligible
Wyoming	Baseline	Low	Terrestrial Fixed Wireless Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">• 5 GHz - 580.0 - 580.0• CBRS (3.5 GHz) - 150.0 - 150.0• 3.7 GHz Service - 280.0 - 280.0	35	Eligible
Wyoming	Minimum	Low	Other: Low earth orbit satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">• Ka Band (satellite) - 2,100.0 - 1,800.0	50	Ineligible
Wyoming	Minimum	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">• Ka Band (satellite) - 2,350.0 - 2,300.0	90	Eligible
Wyoming	Baseline	High	Satellite Spectrum Band/Bandwidth (uplink/downlink): <ul style="list-style-type: none">• Ka Band (satellite) - 2,350.0 - 2,300.0	75	Eligible

Exhibit H

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Viasat, Inc., Application to Participate in the	)	FRN: 0004963088
Rural Digital Opportunity Fund Phase I)	
Auction (Auction 904))	
)	
)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
Phase I Auction	)	AU Docket No. 20-34
)	
Connect America Fund	)	WC Docket No. 10-90
)	

EMERGENCY PETITION FOR RECONSIDERATION OF VIASAT, INC.¹

For well over a decade, Viasat, Inc. (“Viasat”) has provided mass-market retail broadband Internet service directly to millions of consumers throughout the United States, generating billions of dollars in revenue in the process. As one of the world’s premier satellite-based service providers, Viasat has extensive experience designing and implementing satellite systems and the earth-station networks they support, including in the low-earth orbit (“LEO”) context.

In these proceedings involving the Rural Digital Opportunity Fund (“RDOF”) Phase I auction, Viasat proposed to rely on existing and long-proven technologies to deploy a LEO satellite system as a means of providing low-latency, high-speed broadband Internet service to hard-to-serve areas of the United States. Viasat amply demonstrated its ability to deploy this system—and thus its eligibility to submit bids for low-latency tiers of service in the auction. In particular, Viasat submitted detailed information explaining how its low-latency LEO satellite offerings satisfy the

¹ By the accompanying request, Viasat seeks confidential treatment for this Emergency Petition for Reconsideration.

Commission's requirements, thoroughly and promptly answered all questions posed by Commission staff, and offered to address any outstanding concerns that the staff might harbor. Viasat also explained that (i) it has developed and implemented various technologies that ensure a reliable service and address all of the end-to-end issues that can be encountered in deploying mass-market retail broadband services, no matter what technology is employed; (ii) it has years of experience designing and implementing the earth-station networks that support a variety of extant LEO systems; and (iii) those existing and long-proven technologies will be employed in deploying Viasat's own LEO system. [REDACTED]

[REDACTED]

[REDACTED]

Nevertheless, with no warning and no explanation, the Rural Broadband Auctions Task Force, Office of Economics and Analytics, and Wireline Competition Bureau (collectively, "Bureaus"), acting on delegated authority from the Commission, disqualified Viasat from bidding on any low-latency tier of service in the RDOF auction using LEO satellite-system technology. The Bureaus neither identified any shortcomings in Viasat's final submissions nor provided a factual basis to doubt Viasat's ability to execute on its LEO proposal. Perhaps most problematic, the Bureaus have given Viasat no assurance or indication that they are treating similarly situated LEO competitors in a like manner. The Bureaus' "black box" decision contravenes basic principles of administrative law and arbitrarily excludes Viasat from competing in the RDOF auction with a LEO-based solution to help bridge the digital divide.

Pursuant to Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, Viasat respectfully requests that the Bureaus reconsider their eligibility determinations and permit Viasat to bid for low-latency tiers of service based on LEO satellites in time for the first round of bidding

on October 29, 2020 or, alternatively, refer this petition to the Commission for such relief. At a minimum, the Bureaus must provide Viasat with an explanation for their ineligibility determination in light of Viasat's extensive submissions. Fundamental fairness requires that these issues be resolved prior to the commencement of any bidding.

BACKGROUND

On January 30, 2020, the Commission adopted a framework to govern the RDOF Phase I auction. *RDOF Report & Order*, 35 FCC Rcd 686 (2020). The framework strongly favors low-latency offerings by assigning a penalty weight of 40 to high-latency bids. *Id.* at 705 ¶ 38. The Commission also established that an offering would qualify as low latency if "95% or more of all peak period measurements of network round trip latency are at or below 100 milliseconds." *Id.* at 703 ¶ 32.

The *Report and Order* assured potential applicants that they would have an opportunity to demonstrate their ability to offer low-latency services through a short-form application process. 35 FCC Rcd at 717–25 ¶¶ 67–85. As the Commission later clarified, this process was not intended to be overly technical or burdensome. Applicants were instructed to provide "operational information" by answering a list of service-related questions for each State in which they intended to bid. *See* Public Notice, RDOF Phase I Auction Scheduled for October 29, 2020: Notice and Filing Requirements and Other Procedures for Auction 904, 35 FCC Rcd 6077, 6099–100 ¶¶ 66, 69 (June 11, 2020). The questions were "intended to elicit short, narrative responses" regarding the applicant's "experience" and "the network(s) it intends to use," thereby "confirm[ing] that the applicant has developed a preliminary design or business case for meeting the public interest obligations for its selected performance tier and latency combination." *Id.* at 6100 ¶ 69. Applicants were required to submit only "high-level information" to demonstrate eligibility, and

the Commission explicitly rejected calls for more technical detail as too burdensome. *Id.* at 6101–02 ¶ 71.

Although the Commission noted that “some technologies lack demonstrated capabilities to perform at certain speed and latency combinations,” 35 FCC Rcd at 6112 ¶ 98, it explicitly “permit[ted] applicants proposing to use a [LEO] satellite network to apply to bid to offer low latency services based on the intrinsic advantages of [LEO] satellites in providing lower latency services when compared to geosynchronous and medium earth orbit satellites.” *Id.* at 6118 ¶ 111. Noting that the “absence of ... a real-world performance example” for low-latency LEO services left the Commission with “serious doubts that any [LEO] networks will be able to meet the short-form application requirements for bidding in the low latency tier,” *id.*, the Commission invited satellite providers to discuss latency in both “[p]ropagation delay” and also “processing, routing, and transporting traffic,” *id.* at 6118 ¶ 112.

Viasat timely filed its short-form application on July 15. *See* Ex. A. In its application, Viasat sought approval to bid on multiple tier/latency combinations for each State, including low-latency offerings based on LEO satellites. Ex. A at 3–33. As required by the Commission, Viasat also submitted a fulsome response to the mandatory questions, as well as two additional Annexes describing at length Viasat’s planned LEO satellite system and how it would meet the auction’s low-latency requirements. Ex. A, Annexes A–B. Among other things, Viasat directly addressed the Commission’s concerns about latency in various parts of the network by explaining that [REDACTED]

[REDACTED] *See* Ex. A, Annex A at 1.

On September 1, the Bureaus listed Viasat’s application as “incomplete” and sent Viasat a form deficiency letter stating that its application was “missing required network information” or

that “the network information provided ... is insufficient or inconsistent with information contained elsewhere.” Ex. B; *see* Public Notice, RDOF Phase I Auction: Status of Short-Form Applications to Participate in Auction 904, 35 FCC Rcd 9875 (Sept. 1, 2020). Notably, that letter provided no details whatsoever about the claimed deficiencies. Viasat immediately arranged to discuss the letter with Commission staff in order to understand the basis for the correspondence, meeting with them via teleconference on September 8. At the meeting, Commission staff sought information in four areas related to Viasat’s low-latency LEO satellite service, including Viasat’s proposed latency budget, the effects of spectrum sharing, Viasat’s ability to build and operationalize a cost-effective LEO end-user terminal, and Viasat’s ability to meet the RDOF service requirements by the applicable deadlines. Ex. C. Although Viasat had until September 23 to submit revised network information in response to the Bureaus’ concerns, it did so on September 18 to give Commission staff ample time to provide feedback on the revised submission, including any remaining deficiencies. Ex. D. Commission staff confirmed that they received the revised information and assured Viasat they would provide “any feedback once they have had a chance to review.” Ex. E.

The next Viasat heard from Commission staff was on the evening of September 22—the night before resubmissions were due—when staff identified additional questions regarding Viasat’s separate, proposed terrestrial fixed-wireless offerings. Ex. F, at 2–3. Despite having no prior warning, Viasat scrambled to provide the requested information by the September 23 deadline. At no point in this process did Commission staff identify additional deficiencies in Viasat’s LEO submissions or otherwise suggest that the revised LEO submissions were not satisfactory.

On October 13, 2020, the Bureaus issued a public notice identifying which applicants were qualified to bid in the RDOF auction, and posted its final eligibility determinations to Viasat's application portal. *See* Public Notice, 386 Applicants Qualified to Bid in the Rural Digital Opportunity Fund Phase I Auction (Auction 904), DA 20-1187 (Oct. 13, 2020); *see also* Order, *RDOF Auction (Auction 904)*, DA 20-1194 (Oct. 13, 2020). While the Bureaus found Viasat eligible to bid for high-latency tiers of service based on its geostationary-orbit satellite offerings and for low-latency tiers based on its terrestrial fixed-wireless offerings, the Bureaus concluded—without any explanation—that Viasat was ineligible to bid based on its low-latency LEO satellite offerings. Ex. G. To date, the Bureaus have not identified any deficiencies in Viasat's short-form application or otherwise explained its ineligibility determination. Nor have they specified whether similarly situated LEO competitors have been treated in like manner.

DISCUSSION

As Viasat's submissions show, it has a wealth of experience designing and implementing earth-station networks that support a variety of extant LEO systems, including tracking and handing-off among various moving satellites (as Viasat does today with its existing geostationary satellites). *See* Ex. A, Annex B at 2. Viasat has also developed proven optimization methods for reducing latency based on its extensive experience operating satellite networks and providing secure communications for the U.S. Government. *Id.* at 3. By incorporating those methods, Viasat's LEO system would provide sub-100 milliseconds latency at least as reliably (if not more so) than any other LEO system that could be proposed in the RDOF auction. Importantly, Viasat anticipates that there will be locations in the auction that would be particularly suited to such a low-latency LEO solution, but that cannot be equally served by an alternative low-latency solution,

like Viasat's fixed-wireless offering. Viasat thus fully expects that there will be instances in which Viasat would bid only a LEO low-latency solution to the exclusion of low-latency fixed wireless.

Yet Viasat has been prevented from bidding for low-latency service in the RDOF auction based on its LEO satellite offerings, significantly reducing its chances of bidding successfully. Because the auction strongly favors low-latency service by imposing a sizeable penalty on high-latency bids, *RDOF Report & Order*, 35 FCC Rcd at 705 ¶ 38, Viasat will be placed at a severe competitive disadvantage if it is wrongly prohibited from bidding to provide low-latency service using LEO satellites. That disadvantage is compounded insofar as the Bureaus have permitted Viasat's competitors to bid for low-latency service based on their own LEO satellite offerings. Given the stakes for both the public and potential bidders, the need for reasoned decisionmaking is acute. Yet the Bureaus' black-box process offers no insight into their decisions. Literally *none*. The Bureaus' disqualification of Viasat bears all the hallmarks of arbitrary agency action that is untethered from the evidence in the record and risks treating similarly situated auction participants differently.

Auction-eligibility decisions are subject to arbitrary-and-capricious review under the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A). *See, e.g., GLH Commc'ns, Inc. v. FCC*, 930 F.3d 449, 453 (D.C. Cir. 2019); *SNR Wireless LicenseCo, LLC v. FCC*, 868 F.3d 1021, 1029 (D.C. Cir. 2017). That standard requires an agency to exercise "reasoned decisionmaking" and to "articulate a satisfactory explanation for its action." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 52 (1983). In particular, the agency must "examine the relevant data and articulate a satisfactory explanation for its action including a 'rational connection between the facts found and the choice made.'" *Id.* at 43 (quoting *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962)). The agency must also "provide adequate

explanation before treating similarly situated parties differently.” *Northpoint Tech., Ltd. v. FCC*, 414 F.3d 61, 75 (D.C. Cir. 2005).

The Bureaus’ ineligibility determination failed to provide any explanation at all, much less one that is “satisfactory” or “adequate.” The Bureaus’ lack of an explanation—and, indeed, lack of any notice to Viasat that they were contemplating a finding of ineligibility—is especially troublesome given Viasat’s diligent efforts to provide the Bureaus with all of the information they requested and needed. Viasat timely submitted a thorough short-form application, promptly responded to the Bureaus’ deficiency letter, and submitted its revised network information early for the very purpose of allowing time to resolve any remaining concerns. If the Bureaus had communicated that they had unaddressed reservations, Viasat would have acted expeditiously to assuage them, as demonstrated by Viasat’s extraordinary efforts to respond to the Commission staff’s last-minute questions regarding its terrestrial fixed-wireless offerings. Despite Viasat’s painstaking efforts to provide all necessary information, the Bureaus have left Viasat without even the faintest idea of why Viasat’s LEO satellite system would be inadequate—and thus without any means to rectify any perceived inadequacies.

The lack of explanation and transparency is particularly problematic because it leaves Viasat uncertain regarding its status as compared to its direct competitors. It is possible that the Bureaus determined that no low-latency LEO satellite offerings, regardless of applicant, can be used for low-latency bids in the Phase I auction. But Viasat has no way to know if that is true. Of course, if the Bureaus have permitted *some* applicants to submit bids for low-latency service based on LEO satellite offerings, the Bureaus have failed to provide an “adequate explanation before treating similarly situated parties differently.” *Northpoint Tech., Ltd.*, 414 F.3d at 75. Granting low-latency eligibility to these LEO competitors while disqualifying Viasat’s low-latency LEO

proposal would raise serious questions under the APA, potentially jeopardizing the buildout times envisioned by the Commission.

There is no justification for the Bureaus' secret analysis that can overcome these basic issues of reasoned decisionmaking, transparency, and fairness. Efforts to avoid collusion among auction participants do not explain the Bureaus' failure to identify problems in Viasat's submissions in advance, or to articulate reasons why they ultimately found Viasat ineligible, in communications with Viasat. Nor can the Bureaus invoke efficiency rationales—the Bureaus had more than enough time to clarify any remaining deficiencies in Viasat's revised submission, and even promised that they would provide any feedback that they had on the submission. On these facts, the disqualification decision can be described only as arbitrary and capricious.

CONCLUSION

The Bureaus should reconsider their conclusion that Viasat is ineligible to submit bids for low-latency service in the RDOF Phase I auction based on its LEO satellite offerings and permit Viasat to submit such bids, particularly if other applicants are eligible to submit similar bids using LEO satellite offerings. At a minimum, the Bureaus must provide a prompt explanation for their ineligibility finding that would allow Viasat the opportunity to address any issues in time for the commencement of bidding.

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Date: October 23, 2020

Respectfully submitted,

/s/ Helgi C. Walker

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Counsel for Viasat, Inc.

Exhibit I

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Federal Communications Commission
Washington, D.C. 20554

October 27, 2020

UNDER SEAL PURSUANT TO AUCTION 904

Christopher Murphy
Viasat
6155 El Camino Real
Carlsbad, CA 92009

PROCEDURES

Re: Viasat's Emergency Petition for Reconsideration

Mr. Murphy:

This letter responds to your email on Friday, October 23, 2020 at 9:53 PM containing Viasat's petition requesting that we reconsider and explain our determination that Viasat is ineligible to bid in Auction 904 at the Above Baseline speed tier / Low latency ("T+L") using Low Earth Orbit (LEO) satellite technology, and that we provide Viasat with a further opportunity to submit additional information after the resubmission deadline that applied to all applicants. Our determination is explained below. For the following reasons, we otherwise deny your petition.

In the Auction 904 Procedures Public Notice (FCC 20-77), the Commission established procedures by which applicants could qualify to bid in Auction 904, including guidelines on eligibility to bid for certain performance tier and latency combinations. While the Commission did not categorically exclude applicants seeking to use LEO satellite technology to qualify to bid for low-latency, it expressed "serious doubts" about LEO satellite applicants' ability to meet the short-form application requirements to bid in the low-latency tier. In particular, the Commission stated:

We are, however, unaware of any low earth orbit network capable of providing a mass market retail broadband service to residential consumers that could meet the Commission's 100 ms round-trip latency requirements. In the absence of such a real-world performance example, Commission staff could not conclude at this time that such a short-form applicant is reasonably capable of meeting the Commission's low latency requirements.

Furthermore, the Commission expressed "skeptic[ism]" that the altitude of LEO satellites is determinative of an applicant's ability to achieve low latency and concluded that providers "will face a substantial challenge demonstrating to Commission staff that their networks can deliver real-world performance to consumers below the Commission's 100 ms low-latency threshold." The Commission restated that it would not modify its latency standards to accommodate hybrid terrestrial-satellite networks, as Viasat had advocated.

Also in the Auction 904 Procedures Public Notice, consistent with prior Commission auctions, the Commission decided that after the deadline for filing short-form applications to participate in the auction, a public notice would be released identifying any applications that are incomplete or deficient because of defects that may be corrected, and that each applicant with an incomplete application would be sent information on the nature of the deficiencies in its application. The Commission provided for a resubmission period for applicants to correct such deficiencies and provide additional information but stated that "[t]his period will be the only opportunity to cure application deficiencies."

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Mr. Christopher Murphy

October 27, 2020

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In Appendix A to the Auction 904 Procedures Public Notice, the Commission stated the Auction 904 Short-Form Application Operational Questions. In addition to the questions applicable to all applicants, the operational questions asked applicants that plan to use satellite networks to identify which satellites they would use and the total amount of satellite capacity available, as in the capacity not currently in use for existing subscribers. Additionally, the questions asked satellite applicants to describe how their proposed network would achieve the T+L requirements to all planned locations in a mass-market consumer service. Satellite network applicants were required to describe how the proposed network would meet the T+L requirements to all locations for both broadband and voice services, including how the frequency bands, technology attributes, base station configuration, customer premises equipment, channel bandwidths minimal requirements, traffic assumptions, and propagation assumptions, and calculations yield sufficient capacity to all planned locations. Further, applicants intending to provide service using satellite technology were required to demonstrate they had sufficient access to spectrum which included describing their expected timing for applying for earth station licenses if they had not already obtained these licenses.

Viasat applied to participate in Auction 904 for three T+L/technology bidding combinations: Geosynchronous satellite (GSO) at Above Baseline / High latency; LEO at Above Baseline / Low latency; and terrestrial fixed wireless (TFW) at Above Baseline / Low latency. Staff reviewed Viasat's application and found that its application was incomplete and/or deficient.

On September 1, 2020, we released a public notice stating that Viasat's application was incomplete, and we sent Viasat a letter that made clear that the Network Information attachment submitted with the application did not demonstrate sufficiently that Viasat is reasonably capable of meeting the public interest obligations for, *inter alia*, LEO satellite technology at Above Baseline / Low latency in any of the states it selected. On September 8 and September 22, Viasat participated in calls with FCC engineers to discuss our analysis of Viasat's initial submission. On September 18 and September 23, Viasat submitted revised Network Information attachments.

After the resubmission period ended on September 23, we reviewed Viasat's revised Network Information attachments. We concluded that Viasat had sufficiently demonstrated its ability to deploy a GSO network and a TFW network that would meet the program's buildout requirements, including the deployment milestones, at the Above Baseline / High latency T+L and the Above Baseline / Low latency T+L, respectively. We concluded, however, that Viasat had not sufficiently demonstrated that it is reasonably capable of deploying a LEO network that would meet the program's requirements for the Above Baseline / Low Latency T+L.

On October 13, we released a public notice identifying which applicants had qualified to bid in Auction 904. Viasat was in the list of qualified bidders. The public notice further directed qualified bidders to the auction application system to see for which technologies, speed tiers, and latency they were eligible.

Ten days later, Viasat filed the instant petition seeking reconsideration of our determination that Viasat is not eligible to bid for the Above Baseline / Low latency T+L with LEO technology. Viasat seeks the opportunity to submit additional information to address any deficiencies identified by staff. Additionally, Viasat seeks an explanation for our determination and information concerning whether any other applicant was approved to bid on using LEO for the Above Baseline / Low latency T+L.

As a threshold matter, to the extent Viasat seeks to provide new information with its petition, our consideration of any additional information and argument after the resubmission period would be

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Mr. Christopher Murphy

October 27, 2020

Page 3

inconsistent with the Commission's auction application procedures described above. Nor is Viasat's filing consistent with the established requirements of Section 1.106 of the Commission's rules, generally requiring a petition for reconsideration to rely upon on facts that have changed or were unknown to the petitioner since the last opportunity to present them to the Commission. 47 CFR § 1.106(c) (2) . Moreover, Viasat's argument that we should provide them with an "assurance or indication" that other bidders were not approved for LEO technology at a certain T+L is unavailing as it would require us to violate the Commission's long-standing limited information procedures as set forth in the Auction 904 Procedures Public Notice, which were adopted to help protect the integrity of the auction.

We determined that Viasat's technical submission for its proposed LEO network did not meet the high threshold for LEO providers selecting low latency that the Commission adopted in the Auction 904 Procedures Public Notice. Specifically, there was no "real-world performance example" of Viasat's low latency service. Viasat did not make a showing that it had taken significant steps to deploy successfully a LEO network serving mass-market retail customers. Building and deploying a LEO network from the beginning stage, as in Viasat's case, to provide mass-market service would require a very large, sustained financial investment to reach the point of being able to serve even a single customer. There was no indication provided that Viasat could or would support such investment but for the Rural Digital Opportunity Fund, which is the type of risky venture this phase of the fund is not intended to support. Viasat also did not provide any actual LEO latency test data for a LEO network and Viasat's engineering plans—without other demonstrated concrete steps towards deployment—were not convincing enough that it would be in a position to build, deploy, and operate a LEO network meeting the low latency requirements in the time required. Accordingly, Viasat did not demonstrate that its proposed network could meet the "substantial challenge" of overcoming the Commission's "skeptical[ism]" about the ability of LEO networks to satisfy the Commission's low latency requirements. Absent such evidence, staff could not conclude that Viasat's LEO network would be reasonably capable of meeting the Commission's low latency requirements.

It would not be in the public interest to allow Viasat to submit additional information, after the resubmission deadline, in an attempt to modify our determinations at the last minute after our mock auctions have been completed and on the eve of the auction. The public interest in consistent application of our procedures, including deadlines, supports this determination. We have provided you with the explanation that your petition requested. Accordingly, we otherwise deny your petition.

We note that this decision with respect to Viasat's proposed LEO network does not alter Viasat's eligibility to bid at Above Baseline / High Latency and Above Baseline / Low latency in any of the states where it was found to be eligible with respect to its proposed GSO and TFW networks, respectively. We also note that this decision does not prejudice Viasat's eligibility to bid for support for a LEO network in the next phase of this fund.

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Mr. Christopher Murphy

October 27, 2020

Page 4

This action is taken under delegated authority pursuant to sections 0.271 and 0.291 of the Commission's rules. We note that your petition as well as this letter contain competitively sensitive information, including information that is non-public pursuant to the Commission's limited information disclosure procedures. Public disclosure could constitute a violation of the Commission's prohibited communications rule. Accordingly, any further filings by you could contain similar information and you should consider submitting any further filing with a request that the filing or pertinent portions of it be withheld from public inspection by following the procedures specified in section 0.459 of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan M. Campbell". The signature is fluid and cursive, with the first name "Jonathan" and last name "Campbell" clearly distinguishable.

Jonathan M. Campbell
Chief, Auctions Division
Office of Economics and Analytics

Exhibit J

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

_____)	
In the Matter of)	
)	
Viasat, Inc., Application to Participate in the	)	FRN: 0004963088
Rural Digital Opportunity Fund Phase I)	
Auction (Auction 904))	
)	
)	
)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
Phase I Auction	)	AU Docket No. 20-34
)	
Connect America Fund	)	WC Docket No. 10-90
_____)	

SECOND EMERGENCY PETITION FOR RECONSIDERATION OF VIASAT, INC.¹

¹ By the accompanying request, Viasat seeks confidential treatment for this Second Emergency Petition for Reconsideration.

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SUMMARY OF PETITION

This is Viasat, Inc.’s second emergency petition for reconsideration. In its first petition, filed on October 23, 2020 (“First Petition”), Viasat sought reconsideration of an unexplained October 13, 2020 decision by the Rural Broadband Auctions Task Force, Office of Economics and Analytics, and Wireline Competition Bureau (collectively, the “Bureaus”) that found Viasat ineligible to bid for low-latency service in the Rural Digital Opportunity Fund (“RDOF”) Phase I auction based on low-earth orbit (“LEO”) satellite offerings (“Ineligibility Decision”). The Bureaus granted the First Petition in a letter order dated October 27, 2020 (“Letter Order”) insofar as Viasat requested an explanation for the decision, but “otherwise den[ie]d” it. Ex. I at 1.

The Letter Order stated that the linchpin of the Ineligibility Decision was that “there was no ‘real-world performance example’ of Viasat’s low-latency service.” Ex. I at 3. But this was a brand new standard for eligibility. Although the Commission noted in June 2020 that it was unaware of a “real-world performance example” of a LEO network meeting sub-100-millisecond latency requirements, Public Notice, 35 FCC Rcd 6077, 6118 ¶ 111 (June 11, 2020), it never suggested that all applicants needed to deploy such a network to be eligible to bid. To the contrary, the Commission stated that the absence of “any” such real-world performance example caused it to doubt whether “*any* [LEO] networks will be able to meet the ... requirements for bidding in the low latency tier.” *Id.* (emphasis added). The existence of a real-world performance example was thus an all-or-nothing proposition: Either such an example existed, alleviating the Commission’s concerns, or it did not, leaving questions regarding whether LEO networks can satisfy the auction’s low-latency standards. The Commission never hinted that each bidder needed to “make a showing that *it* had taken significant steps to deploy” a LEO satellite network. Ex. I at 3 (emphasis added).

The Letter Order represented Viasat’s first insight into the Bureaus’ previous black-box reasoning. *See* Janka Dec. ¶ 16. Given the change in circumstances, *see* 47 C.F.R. § 1.106(b)(2)(i),

and the presence of new facts and arguments previously unknown and unknowable to Viasat, *see id.* § 1.106(b)(2)(ii), Viasat moved as expeditiously as was reasonably prudent and feasible to prepare this petition for reconsideration of both the Ineligibility Decision and the Letter Order insofar as it denies the First Petition. *See* Janka Dec. ¶ 17.

The Bureaus' decisions warrant prompt reconsideration for four independent reasons.

First, the Bureaus lack authority to contradict rules set by the Commission itself.

Second, even if the “real-world performance example” requirement were consistent with the Commission's rules, this new rights-altering standard is a legislative rule that needed to be adopted by the Commission pursuant to notice-and-comment rulemaking procedures.

Third, the Bureaus' decisions are arbitrary and capricious in numerous respects: (1) they fail to address governing universal-service principles; (2) they fail to acknowledge (much less explain) the Bureaus' departure from the Commission's auction rules; (3) they fail to adequately consider Viasat's application or explain why Viasat should be excluded; (4) they treat similarly situated applicants differently insofar as the Bureaus have permitted other providers to bid in the low-latency auction tiers based on their LEO networks; and (5) they depart from the Bureaus' own procedures by failing to notify Viasat of deficiencies or permit Viasat to address them.

Fourth, the Bureaus' notice failure and disparate treatment of similarly situated LEO providers violates the Fifth Amendment's Due Process Clause.

For these reasons, the Bureaus should allow Viasat to bid for low-latency LEO-based service immediately. In the alternative, they should react to census-block groups designated for such service and, in the meantime, refrain from announcing winning LEO bidders or (at least) disbursing RDOF funds to such bidders until Viasat has exhausted its remedies. If the Bureaus do not act on this petition by November 20, 2020, Viasat will deem it denied and seek further review.

BACKGROUND

As explained in its First Petition, Viasat has for well over a decade provided mass-market retail broadband Internet service directly to millions of consumers throughout the United States, generating billions of dollars in revenue in the process. As one of the world's premier satellite-based service providers, Viasat has extensive experience designing and implementing satellite systems and the earth-station networks they support, including in the LEO context.

On January 30, 2020, the Commission adopted a framework for the RDOF Phase I auction. RDOF Report & Order, 35 FCC Rcd 686 (2020). The framework strongly favors low-latency bids by assigning a penalty weight of 40 to high-latency bids. *Id.* at 705 ¶ 38. The Commission also established that an offering would qualify as low latency if “95% or more of all peak period measurements of network round trip latency are at or below 100 milliseconds.” *Id.* at 703 ¶ 32.

The Report and Order assured potential applicants that they would have an opportunity to demonstrate their ability to offer low-latency services through a short-form application process. 35 FCC Rcd at 717-25 ¶¶ 67-85. As the Commission later clarified in a June 2020 notice adopting eligibility requirements for the auction, this process was not intended to be overly technical or burdensome. Applicants were instructed to provide “operational information” by answering a list of service-related questions for each State in which they intended to bid. *See* Public Notice, 35 FCC Rcd at 6099-100 ¶¶ 66, 69. The questions were “intended to elicit short, narrative responses” regarding the applicant’s “experience” and “the network(s) it intends to use,” thereby “confirm[ing] that the applicant has developed a preliminary design or business case for meeting the public interest obligations for its selected performance tier and latency combination.” *Id.* at 6100 ¶ 69. Applicants were required to submit only “high-level information” to demonstrate eligibility, and the Commission explicitly rejected calls for more technical detail as too burdensome. *Id.* at 6101-02 ¶ 71.

Although the Commission noted that “some technologies lack demonstrated capabilities to perform at certain speed and latency combinations,” *id.* at 6112 ¶ 98, it explicitly “permit[ted] applicants proposing to use a [LEO] satellite network to apply to bid to offer low latency services based on the intrinsic advantages of [LEO] satellites in providing lower latency services when compared to geosynchronous and medium earth orbit satellites,” *id.* at 6118 ¶ 111. Noting that the “absence of ... a real-world performance example” for low-latency LEO services left the Commission with “serious doubts that any [LEO] networks will be able to meet the short-form application requirements for bidding in the low latency tier,” *id.*, the Commission invited satellite providers to discuss latency not just with respect to “[p]ropagation delay” but also “processing, routing, and transporting traffic,” *id.* at 6118 ¶ 112. Nowhere did the Commission state that each potential bidder needed to have already taken steps to deploy its *own* LEO satellites.

Viasat timely filed its short-form application on July 15. *See* Ex. A. Its application sought approval to bid on multiple tier/latency combinations for each State, including low-latency bids based on LEO satellites. Ex. A at 3-33. In particular, Viasat proposed to adapt existing and long-proven technologies it had already used or developed for its other satellite offerings to deploy a LEO satellite system providing low-latency, high-speed broadband Internet service to hard-to-serve areas of the United States. Viasat took care to thoroughly demonstrate its ability to deploy this LEO system—and thus its eligibility to submit bids for low-latency tiers of service in the auction. Not only did Viasat submit a fulsome response to the Commission’s mandatory questions, but it also provided two additional Annexes describing at length Viasat’s planned LEO satellite system and how it would meet the auction’s low-latency requirements. Ex. A, Annexes A-B.

Among other things, Viasat directly addressed the Commission’s concerns about latency

[REDACTED] See Ex. A, Annex A at 1. Viasat also explained that: (i) it has developed and implemented various technologies that ensure reliable service and address all of the end-to-end issues that can be encountered in deploying mass-market retail broadband services, no matter what technology is employed; (ii) it has years of experience designing and implementing the earth-station networks that support a variety of extant LEO systems; and (iii) those existing and long-proven technologies will be employed in deploying Viasat's own LEO system. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

While its application was pending, Viasat continued to develop its LEO network. For example, in preparation for launching its LEO satellite system, Viasat: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Janka Dec. ¶ 8. Consistent with the Commission's desire for only high-level information in the short-form applications, Viasat did not mention all of its LEO developments in its application.

On September 1, the Bureaus listed Viasat’s application as “incomplete” and sent Viasat a form deficiency letter stating that its application was “missing required network information” or that “the network information provided ... is insufficient or inconsistent with information contained elsewhere.” Ex. B at 2; *see* Public Notice, RDOF Phase I Auction: Status of Short-Form Applications to Participate in Auction 904, 35 FCC Rcd 9875 (Sept. 1, 2020). Notably, that letter provided no details about the claimed deficiencies. Viasat immediately arranged to discuss the letter with Commission staff in order to understand its basis, meeting with them via teleconference on September 8. At the meeting, Commission staff sought information in four areas related to Viasat’s low-latency LEO satellite service, including Viasat’s proposed latency budget, the effects of spectrum sharing, Viasat’s ability to build and operationalize a cost-effective LEO end-user terminal, and Viasat’s ability to meet the RDOF service requirements by the applicable deadlines. Ex. C. Although Viasat had until September 23 to submit revised network information in response to the Bureaus’ concerns, it did so on September 18 to give Commission staff ample time to provide feedback on the revised submission, including any remaining deficiencies. Ex. D. Commission staff confirmed that they received the revised information and assured Viasat they would provide “any feedback once they have had a chance to review.” Ex. E.

The next Viasat heard from Commission staff was on the evening of September 22—the night before resubmissions were due—when staff posed additional questions regarding Viasat’s separate, proposed terrestrial fixed-wireless offerings. Ex. F at 2-3. Despite having no prior warning, Viasat scrambled to provide the requested information by the September 23 deadline. At no point in this process did Commission staff identify additional deficiencies in Viasat’s LEO submissions or otherwise suggest that the revised LEO submissions were not satisfactory.

On October 13, 2020, the Bureaus issued a public notice identifying which applicants were qualified to bid in the RDOF auction, without publicly specifying which technologies, speed and latency tiers, or locations individual applicants qualified for. *See* Public Notice, 386 Applicants Qualified to Bid in the Rural Digital Opportunity Fund Phase I Auction (Auction 904), DA 20-1187 (Oct. 13, 2020); *see also* Order, RDOF Auction (Auction 904), DA 20-1194 (Oct. 13, 2020). The Bureaus posted those details of its final eligibility determinations privately in each applicant's individual application portal. Janka Dec. ¶ 14. While the Bureaus found Viasat eligible to bid for high-latency tiers of service based on its geostationary-orbit satellite offerings and for low-latency tiers based on its terrestrial fixed-wireless offerings, the Bureaus concluded—without any explanation—that Viasat was ineligible to bid based on its low-latency LEO satellite offerings. Ex. G. This Ineligibility Decision did not identify any deficiencies in Viasat's short-form application or otherwise justify the Bureaus' determination. Consistent with the Commission's auction rules, the Bureaus also did not specify whether similarly situated LEO competitors were treated in like manner. *See* 47 C.F.R. § 1.21002; Public Notice, DA-20-1187, at 8-9.

On October 23, Viasat filed its First Petition seeking reconsideration of the Ineligibility Decision. Ex. H. Unaware as to why it was found ineligible, *see* Janka Dec. ¶ 15, Viasat also sought an explanation for the Bureaus' determination, Ex. H at 3. Viasat further expressed concern that the Bureaus were treating it differently from other LEO applicants, and ultimately requested that the Bureaus find that it was eligible to bid based on its low-latency LEO satellite offerings. *Id.* at 8-9.

The Bureaus issued a Letter Order responding to the First Petition on October 27, 2020. Ex. I. The Letter Order granted the First Petition insofar as it sought an explanation for the Ineligibility Decision, but otherwise denied it. *Id.* at 1. According to the Bureaus, "Viasat's

technical submission for its proposed LEO network did not meet the high threshold for LEO providers selecting low latency that the Commission adopted in the Auction 904 Procedures Public Notice.” *Id.* at 3. In particular, the Bureaus faulted Viasat—for the first time—for not providing a “real-world performance example” of Viasat’s low-latency LEO system, for not taking “significant steps to deploy successfully a LEO network serving mass-market retail customers,” and for not “provid[ing] any actual LEO latency test data for a LEO network.” *Id.* The Letter Order also asserted, without identifying any shortcoming in particular, that “Viasat’s engineering plans—without other demonstrated concrete steps towards deployment—were not convincing enough that it would be in a position to build, deploy, and operate a LEO network meeting the low latency requirements in the time required.” *Id.*

DISCUSSION

The Bureaus’ “real-world performance example” requirement conflicts with Commission rules, was not adopted through proper notice-and-comment procedures, and is arbitrary and capricious both on its face and as applied to Viasat. These procedural and substantive deficiencies also violate the Due Process Clause of the Fifth Amendment. The Bureaus should rectify these errors by promptly reconsidering their Ineligibility Decision and Letter Order, and by taking any and all steps necessary to permit Viasat to participate fully in the RDOF Phase I auction, including: (i) reversing its determinations that Viasat is ineligible to bid for low-latency service at the “Minimum,” “Baseline,” and “Above-Baseline” tiers using LEO technology, *see* Ex. G; (ii) to the extent necessary, waiving the Commission’s rules and related policies and procedures, *see* 47 C.F.R. §§ 1.21003, 54.801; Public Notice, 35 FCC Rcd at 6152 ¶ 235, to allow Viasat to change the performance tier and latency combination associated with any of its bids to 50, 35 or 20 in light

of Viasat’s eligibility to bid using low-latency LEO technology;² and (iii) grant such other relief as may be necessary to allow Viasat to utilize its new eligibility. In the alternative, the Bureaus should reacution any census-block groups won by other bidders based on low-latency LEO satellite bids. In the meantime, the Bureaus should refrain from announcing winning bids based on low-latency LEO service—and at a minimum refrain from disbursing RDOF funds to bidders for such service—until Viasat has exhausted administrative and judicial remedies, as Viasat would suffer irreparable harm if funds were disbursed to such winning bidders and Viasat’s competitors were permitted to begin investing funds in deploying RDOF services. If the Bureaus fail to act on this petition before November 20, 2020, Viasat will deem the petition denied and seek further review.

I. The “Real-World Performance Example” Requirement Conflicts With the Commission’s RDOF Rules and Exceeds the Bureaus’ Delegated Authority.

As components of the Commission, *see* 47 C.F.R. § 0.201(a)(1), the Bureaus are permitted to exercise authority on the Commission’s behalf only insofar as the Commission has “delegate[d] any of its functions” to the Bureaus. 47 U.S.C. § 155(c)(1). No matter how broad the delegation, the Bureaus may not adopt policies contrary to the rules or policies established by the Commission. 47 C.F.R. § 1.115(b)(2)(i). Rather, the question whether a Commission policy “should be overturned or revised” is reserved for the full Commission. *Id.* § 1.115(b)(2)(iii).

Here, the Bureaus’ adoption of a provider-specific “real-world performance example” requirement conflicts with the Commission’s RDOF Phase I rules and thus is *ultra vires*. The Commission’s public notice on the procedures governing the auction definitively set the

² There is good cause to grant such relief. As explained in this petition, Viasat was wrongfully excluded from the RDOF Phase I auction, a special circumstance that warrants deviation from the rule to serve the public interest. Perpetuating this error through strict compliance would be inconsistent with the public interest, and a deviation would not undermine the purposes for which the rules were adopted (*i.e.*, to prevent strategic bidding). *See* 47 C.F.R. § 1.3; *ICO Global Commc’ns (Holdings) Ltd. v. FCC*, 428 F.3d 264, 269 (D.C. Cir. 2005).

requirements for establishing eligibility—namely, “short, narrative responses” containing “high-level information.” Public Notice, 35 FCC Rcd at 6100-02 ¶¶ 69, 71. Although the Commission noted the lack of any real-world example of a low-latency LEO satellite system—and thus expressed “doubts that *any* [LEO] networks will be able to meet the short-form application requirements for bidding in the low latency tier,” *id.* at 6118 ¶ 111 (emphasis added)—the Commission never suggested that it would require LEO applicants to identify a real-world performance example, much less a currently operational LEO network of their own. *See id.* at 6118 ¶¶ 111-12. Instead, consistent with its requirement for short, high-level information and rejection of calls for more detail, the Commission suggested that submissions address propagation delay, processing, routing, and traffic transportation in their submissions. *Id.* at 6118 ¶ 112.

The Bureaus’ unilateral adoption of a “real-world performance example” requirement and focus on whether Viasat took “significant steps to deploy successfully a LEO network” significantly altered what the Commission said would be necessary for an applicant to make a threshold showing of eligibility in its short-form application. It thus conflicts with the Commission’s established RDOF rules and exceeded the Bureaus’ delegated authority.

II. The Bureaus’ “Real-World Performance Example” Requirement Is A Legislative Rule That Must Be Adopted By the Commission Pursuant to Notice-And-Comment Proceedings.

Even if the “real-world performance example” standard applied by the Letter Order fell within the scope of the Bureaus’ delegated authority, it was not a mere application of the Commission’s RDOF rules but an entirely new standard that should have been—but was not—adopted by the Commission pursuant to the notice-and-comment rulemaking process.³ Indeed,

³ The Bureaus’ delegated authority in this proceeding does not include rulemaking functions, *see* 35 FCC Rcd at 6079 ¶ 4, 6157 ¶ 255, 6188 ¶ 321, so only the Commission—not the Bureaus—could have adopted this rule.

Viasat learned of the standard only *after* requesting an explanation for the Bureaus' black-box Ineligibility Decision. This post-hoc explanation offends basic concepts of notice in agency rulemaking and violates the notice-and-comment requirements of the Administrative Procedure Act ("APA"). The lack of notice is particularly prejudicial here, where Viasat could have demonstrated that it was taking steps toward deploying its LEO network had the requirement been made clear in advance.

"Unless a statutory exception applies, the APA requires agencies to publish a notice of proposed rulemaking in the Federal Register before promulgating a rule that has legal force." *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 2384 (2020); *see* 5 U.S.C. § 553(b); 47 C.F.R. § 1.412(a). After it has given notice of a proposed rule, the agency must also "give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments." *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 96 (2015) (quoting 5 U.S.C. § 553(c)); *cf.* 47 U.S.C. § 309(j)(3)(E)(i) (requiring the Commission to "permit notice and comment on proposed auction procedures" for any initial license or construction permit). Finally, an agency's final action "must be a logical outgrowth of its proposed rule," meaning that "interested parties should have anticipated" that the final rule was possible "and thus reasonably should have filed their comments on the subject during the notice-and-comment period." *Idaho Conservation League v. Wheeler*, 930 F.3d 494, 508 (D.C. Cir. 2019) (quoting *CSX Transp., Inc. v. STB*, 584 F.3d 1076, 1079-80 (D.C. Cir. 2009)).

The Bureaus' "real-world performance example" requirement fails to satisfy these requirements. To start, there is no doubt that eligibility requirements for the RDOF Phase I auction, like the Bureaus' new requirement, "alter the rights or interests of parties" and thus are legislative

rules subject to notice and comment. *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980).⁴ If the Commission (or the Bureaus) contemplated eligibility requirements beyond those set forth by the Commission, they likewise needed to satisfy the APA’s notice-and-comment requirements. Yet the Commission never notified interested parties that each applicant for low-latency LEO service would be required to provide its own real-world performance example of that service. Neither the original notice of proposed rulemaking for the RDOF auction nor the final order even discussed LEO systems. *See* RDOF NPRM, 34 FCC Rcd 6778 (Aug. 1, 2019); RDOF Report & Order, 35 FCC Rcd at 705 ¶ 37. And the Commission’s only reference to LEO systems in its public notice of proposed eligibility requirements was to affirmatively suggest, based on comments from SpaceX, that LEO satellite systems *could* meet the low-latency threshold. *See* Public Notice, Comment Sought on Competitive Bidding Procedures and Certain Program Requirements, 35 FCC Rcd 2295, 2309 ¶ 49 & n.86 (Mar. 2, 2020). Throughout this process, Viasat and other commenters had no reason to object to or comment on a “real-world performance example” requirement because none was ever proposed.

The Commission’s final notice confirmed that it would permit “applicants proposing to use a [LEO] satellite network to apply to bid to offer low latency services.” Public Notice, 35 FCC

⁴ Indeed, the Commission’s notice adopting the other eligibility requirements for the auction bears the hallmarks of a legislative rule. The notice went through the APA’s notice-and-comment process, including “publi[cation] in the Federal Register,” 5 U.S.C. § 553(b); *see* 85 Fed. Reg. 15,092 (Mar. 17, 2020) (proposed requirements); 85 Fed. Reg. at 36,758 (June 18, 2020) (final requirements), and “explicitly invoked [the FCC’s] general legislative authority,” *Syncor Int’l Corp. v. Shalala*, 127 F.3d 90, 96 n.8 (D.C. Cir. 1997); *see* Public Notice, 35 FCC Rcd at 6179 ¶ 324 (invoking 47 U.S.C. §§ 154(i), 214, 254, and 303(r)). The notice also provided “an adequate legislative basis” for the FCC “to confer benefits,” *Shalala*, 127 F.3d at 96, specifically the ability to “qualif[y] to bid in the auction” and receive funding, 35 FCC Rcd at 6180 ¶ 327. And it established “the substantive criteria,” *Reeder v. FCC*, 865 F.2d 1298, 1305 (D.C. Cir. 1989), by which applicants are adjudged eligible “to participate and becom[e] qualified to bid in” the RDOF Phase I auction, 35 FCC Rcd at 6180 ¶ 330.

Rcd at 6118 ¶ 111. To be sure, the Commission also acknowledged that it was “unaware of any low earth orbit network ... that could meet the Commission’s 100 ms round-trip latency requirements,” and noted that the “absence of such a real-world performance example” created “doubts that any [LEO] networks will be able to meet the short-form application requirements for bidding in the low latency tier.” *Id.* Even so, the Commission did not purport to require that each applicant demonstrate its own “real-world performance example” of low-latency LEO service as the *sine qua non* of eligibility. The Commission’s point was that LEO applicants should not simply rely on “the altitude of a satellite’s orbit” to support low-latency bidding. *Id.* at 6118 ¶ 112. “Propagation delay” is one component of latency, the Commission explained, but so too are delays in “processing, routing, and transporting traffic.” *Id.* All of these factors would need to be considered by short-form applicants proposing to use LEO satellite systems for low-latency service, which the Commission recognized would be a “substantial challenge.” *Id.*

Those statements did not suggest in any way that the Commission intended to require applicants to have *already deployed* LEO satellites capable of providing real-world performance examples as a condition of bidding for low-latency LEO service. Rather, they express uncertainty as to whether LEO satellites as a whole are a viable technological means of providing low-latency mass-market broadband consistent with the Commission’s latency performance requirements, leaving open the possibility that applicants could demonstrate the viability of LEO satellite systems based on data and experience drawn from other satellite systems. Of course, to the extent that “any [LEO] network” *does* prove “capable of ... meet[ing] the Commission’s 100 ms round-trip latency requirements,” the Commission’s statements strongly suggest that its concerns would be assuaged across the board. *Id.* at 6118 ¶ 111. But it does not follow that Viasat *itself* needed to “make a showing that it had taken significant steps to deploy successfully a LEO network serving mass-

market retail customers.” Ex. I at 3. This was an all-or-nothing proposition—either a real-world performance example of low-latency LEO service existed, resolving the Commission’s doubts across the board, or it did not, leaving those doubts in place. Viasat was not on notice that it needed to do anything beyond explaining how its own network would operate to qualify to bid for low-latency LEO satellite service.

Subsequent developments underscore that Viasat lacked any practical notice of the Bureaus’ new applicant-specific “real-world performance example” requirement. After Viasat submitted its initial application, the Bureaus notified Viasat that they considered its LEO network information to be deficient and later conferred with Viasat about those deficiencies. *See* Exs. B, C. Conspicuously absent from the list of deficiencies identified by the Bureaus was the lack of a real-world performance example. The deficiency notice itself did not cite the lack of such an example, *see* Ex. B, and none of the four issues covered with Commission staff involved a need for a real-life performance example, *see* Ex. C. Moreover, when Viasat resubmitted its application days ahead of the deadline for the express purpose of receiving any further staff feedback (at the Bureaus’ request), *see* Exs. D, E, the Bureaus again did not raise the absence of a real-world LEO network performance example as a disqualifying issue, *see* Exs. E, F.

Viasat thus had absolutely no notice that it would be ineligible to bid for low-latency LEO satellite services without providing a “real-world performance example” of its own LEO network. It was only after the Bureaus had found Viasat ineligible to bid for these low-latency services—and after Viasat had requested an explanation for this about-face—that the Bureaus disclosed this applicant-specific “real-world performance example” standard. Ex. I at 3. At that point, it was too late for Viasat to address the standard, to adjust its application strategy, or to take further steps toward deploying LEO satellites and providing a real-world performance example. The absence

of notice meant that Viasat was required “to divine [the Bureaus’] unspoken thoughts” to have any hope of being found eligible. *Idaho Conservation League*, 930 F.3d at 508 (quoting *Int’l Union, United Mine Workers of Am. v. MSHA*, 407 F.3d 1250, 1259-60 (D.C. Cir. 2005)).

Had Viasat received adequate and proper notice of the new requirement, it could have explained that it *was* taking steps toward deploying its LEO system. For example, Viasat had [REDACTED] ensured that it had the manufacturing capacity and launch capability to meet the RDOF service requirements. Janka Dec. ¶ 8. Thus, one of the primary assumptions justifying the Bureaus’ decision—that Viasat had not taken “significant steps to deploy successfully a LEO network serving mass-market retail customers,” Ex. I at 3—was simply not true. And the absence of this critical information from the short-form-application record is directly attributable to the lack of public notice that such information was necessary in the first place. The Bureaus’ post hoc rationalizations regarding Viasat’s efforts and capabilities thus are beside the point. The new “real-world performance example” requirement cannot be reconciled with the APA’s notice-and-comment requirement and warrants reconsideration of the Bureaus’ decisions.

III. The Bureaus’ Ineligibility Decision and Letter Order Were Arbitrary and Capricious.

Auction-eligibility decisions are subject to review under the APA, 5 U.S.C. § 706(2)(A). *See, e.g., GLH Commc’ns, Inc. v. FCC*, 930 F.3d 449, 453 (D.C. Cir. 2019); *SNR Wireless LicenseCo, LLC v. FCC*, 868 F.3d 1021, 1029 (D.C. Cir. 2017). The APA’s arbitrary-and-capricious standard requires an agency to exercise “reasoned decisionmaking” and to “articulate a satisfactory explanation for its action.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 52 (1983). In particular, the agency must “examine the relevant data and articulate a satisfactory explanation for its action including a ‘rational connection between

the facts found and the choice made.” *Id.* at 43 (quoting *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962)).

The Bureaus’ decision to exclude Viasat from bidding for low-latency LEO satellite service based on an applicant-specific “real world performance example” was arbitrary and capricious. On its face, such a requirement cannot be squared with congressionally enacted universal-service principles or the Commission’s own rules and policies adopted in this proceeding. And in applying this novel requirement to Viasat, the Bureaus have either failed to adequately explain their decision in light of Viasat’s application or arbitrarily treated Viasat differently from similarly situated applicants. Finally, the Bureaus acted arbitrarily by departing from their own clearly stated procedures for RDOF auction applications.

A. The Bureaus’ Imposition of a “Real-World Performance Example” Requirement Fails To Grapple With 47 U.S.C. § 254’s Universal-Service Principles.

To constitute reasoned decisionmaking, government action must be “based on a consideration of the relevant factors.” *State Farm*, 463 U.S. at 43 (quoting *Bowman Transp. Inc. v. Arkansas-Best Freight Sys., Inc.*, 419 U.S. 281, 285 (1974)); *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971). Here, Congress explicitly spelled out the relevant factors for awarding the universal-service funds at issue in the RDOF auction by identifying several “[u]niversal service principles.” 47 U.S.C. § 254(b). In particular, Congress provided that “the Commission shall base policies for the preservation and advancement of universal service” on specified principles, including that “[q]uality services should be available at just, reasonable, and affordable rates”; “[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation”; and that consumers “in rural, insular, and high cost areas, should have access to ... advanced telecommunications and information services.” *Id.* § 254(b)(1)-(3). Furthermore, the Commission has adopted the additional universal-service

principle of competitive and technological neutrality, under which “universal service support mechanisms and rules” must neither “unfairly advantage nor disadvantage one provider over another” nor “unfairly favor nor disfavor one technology over another.” *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8801 ¶¶ 46-47 (1997); *see* 47 U.S.C. § 254(b)(7) (permitting the Commission to adopt “[s]uch other [universal-service] principles” as it determines “are necessary and appropriate”).

There is little doubt that the RDOF auction endeavors to provide “quality,” “advanced” broadband services. Indeed, a central aim of the RDOF Report and Order was “prioritizing higher network speeds and lower latency.” RDOF Report & Order, 35 FCC Rcd at 687 ¶ 2. But Congress recognized that the digital divide will never be closed by focusing coverage on a narrow subset of geographic areas, which is why it also required the Commission to consider how universal-service funds promote service “in all regions of the Nation,” including “rural, insular, and high cost areas.”

Satellite technology is a critical means of closing the digital divide, as it provides high-quality broadband services to geographic areas otherwise unreachable by terrestrial networks. In the CAF Phase II auction, for example, Viasat’s participation alone expanded service offerings by 36%, reaching over 190,000 locations in 20 States. Comments of Viasat, Inc. at 2, 7, *Rural Digital Opportunity Fund*, WC Docket No. 19-126 (Sept. 20, 2019). In the vast majority of these locations, Viasat was the only bidder—meaning that absent Viasat’s satellite offerings, many locations would have simply gone without universal-service offerings. *Id.* at 7.

Viasat’s proposed LEO satellite system is a particularly innovative and promising step forward in closing the digital divide. This system would achieve both the coverage breadth uniquely available through satellite technology and the 100 millisecond low-latency standard preferred by the Commission in this proceeding. Given Viasat’s directly relevant, extensive

experience providing mass-market broadband through geosynchronous orbit satellites, Ex. A, Annex B at 2, its ability to meet the Commission's 100-millisecond low-latency standard, Ex. A, Annex A, and its answers to questions raised by Commission staff regarding the LEO system, Ex. D, Viasat's low-latency LEO satellite system should have been a no-brainer for the Bureaus under universal-service principles.

Yet the Bureaus denied Viasat's application to bid for low-latency LEO-based service without so much as mentioning the universal service principles, much less explaining how excluding a proven provider of universal service that had a proven plan to serve hard-to-reach areas with an innovative LEO satellite system was consistent with the stated intent of Congress. *See* 47 U.S.C. § 254(b). Nor did the Bureaus consider whether barring Viasat or other satellite providers from bidding low-latency service based on their proposed LEO systems contravened the Commission's principles of competitive and technological neutrality. *See Federal-State Joint Board on Universal Service*, 12 FCC Rcd at 8801 ¶¶ 46-47. By failing to make a decision "based on a consideration of the relevant factors" and ignoring "an important aspect of the problem," *State Farm*, 463 U.S. at 43 (quoting *Bowman Transp. Inc.*, 419 U.S. at 285), the Bureaus acted arbitrarily and capriciously.

B. The Bureaus' "Real-World Performance Example" Requirement Is an Unacknowledged Departure from the Commission's RDOF Auction Rules.

While an agency may depart from a prior policy, it may not do so "*sub silentio*." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). The requirement that an agency provide a reasoned explanation for its action demands that the agency "display awareness that it is changing position." *Id.* Further, where a "prior policy has engendered serious reliance interests," an agency must provide "a more detailed justification" for its new policy, including its decision to "disregar[d] facts and circumstances that ... were engendered by the prior policy." *Id.* at 515-16

The Bureaus' decision here represents an impermissible *sub silentio* change in policy. As explained above, *supra*, at 1-2, the policy established by the Commission in its June 2020 notice of eligibility requirements was that, in the absence of a real-world performance example showing that LEO satellites can provide low-latency service, short-form applicants would need to provide a somewhat heightened explanation of how their LEO system would meet the 100-millisecond latency requirement. *See* 35 FCC Rcd at 6118 ¶¶ 111-12. Nothing in the RDOF notice-and-comment proceedings or the final eligibility requirements stated that applicants needed to provide their own real-world performance example or take significant steps toward deployment to be eligible to bid for low-latency service based on LEO satellite offerings.

The Bureaus sharply departed from the Commission's eligibility rules, rejecting Viasat's application to bid for low-latency LEO service on the ground that "there was no 'real world performance example' of Viasat's low latency service," that "Viasat did not make a showing that it had taken significant steps to deploy successfully a LEO network serving mass-market retail customers," that "Viasat also did not provide any actual LEO latency test data," and that Viasat's supposed lack of "demonstrated concrete steps toward deployment" undermined its "engineering plans." Ex. I at 3. Yet the Bureaus did not acknowledge this standard as a change in policy, particularly as applied to applicants like Viasat who followed the Commission's original rules by submitting detailed technical explanations of how their proposed LEO systems would achieve the Commission's low-latency standard in the real world. Instead, the Bureaus characterized their determination as simply an application of requirements "adopted in the Auction 904 Procedures Public Notice." *Id.* The Bureaus' refusal to even acknowledge the policy change cannot be characterized as providing a "reasoned explanation for [their] actions." *Fox Television*, 556 U.S. at 515.

This failure to provide a reasoned explanation for its change in policy is particularly egregious given the “serious reliance interests” at stake. *Fox Television*, 556 U.S. at 515. In preparing its short-form submissions and auction strategy, Viasat relied on the requirements set forth in the Commission’s public notice. Instead of detailing the steps it had taken toward deploying its LEO satellite system, Viasat focused its short-form application on detailed technical explanations of how its proposed LEO system would achieve the Commission’s low-latency standard in the first place. Had Viasat been aware of an additional requirement of a real-world performance example, Viasat could have explained the steps it had already taken toward deployment—including its technical designs, production efforts, and launch arrangements. Alternatively, Viasat could have sought a waiver, explained how its existing satellite systems provided a relevant example, or taken other tangible steps toward satisfying the Bureaus’ standard. By waiting until after it had already issued its Ineligibility Decision and denied Viasat’s First Petition to announce its new requirement, the Bureaus significantly undermined Viasat’s reliance interests. The Bureaus were therefore required to provide a “more detailed justification” for the policy change. *Id.* By providing no justification, the Bureaus acted arbitrarily and capriciously.

C. If Another LEO Provider Has Already Submitted a “Real-World Performance Example,” the Bureaus’ Reasoning Cannot Support Excluding Viasat.

The Letter Order did not indicate whether the Bureaus have concluded that other applicants satisfied the “real-world performance example” standard for low-latency LEO satellite offerings. Ex. I at 3. If at least one applicant has satisfied it, the Bureaus cannot establish a “rational connection between the facts found and the choice made” to nevertheless exclude Viasat from placing bids based on its own LEO offerings. *State Farm*, 463 U.S. at 43 (quoting *Burlington Truck Lines*, 371 U.S. at 168).

First, if another LEO provider has presented a real-world performance example, the Commission's concerns expressed in its public notice of RDOF auction procedures are fully assuaged. The Commission harbored "serious doubts that *any* [LEO] networks will be able to meet the short-form application requirements for bidding in the low latency tier" because it was "unaware of *any* [LEO] network capable of ... meet[ing] the Commission's 100 ms round-trip latency requirements." Public Notice, 35 FCC Rcd at 6118 ¶ 111 (emphasis added). Once one provider has demonstrated the viability of the technology, however, excluding any provider on the ground that the same technology is not viable would be irrational. To be sure, the Bureaus could still ensure that specific LEO proposals provide adequate assurances of viability, as Viasat's proposal did. But there would be no ground for denying eligibility simply because that one LEO provider had not submitted its own performance example.

Second, the Bureaus did not seriously consider whether Viasat was able to demonstrate, even without its own performance example, that it could operationalize a low-latency LEO system based on its extensive experience of providing broadband via satellites. Indeed, the Bureaus committed basic errors regarding Viasat's proposal. For example, the Letter Order asserts that Viasat applied to provide only "Above Baseline" speeds for its LEO proposal, Ex. I at 2, even though Viasat also applied to provide "Baseline" and "Minimum" speeds as well, Ex. A at 3-33; Ex. G. And in stating that they "could not conclude that Viasat's LEO network would be reasonably capable of meeting the Commission's low latency requirements," the Bureaus did not once address Viasat's extensive satellite experience or the specific proposals it had submitted, much less identify particular flaws. Ex. I at 3. These errors and omissions run contrary to the evidence in the record and demonstrate that the Bureaus failed to actually consider Viasat's

proposal—an undoubtedly “important aspect of the problem” before the agency. *State Farm*, 463 U.S. at 43.

Third, the Bureaus made utterly unsupported statements about Viasat’s financial ability to launch a LEO satellite system as a means of casting doubt on Viasat’s commitment to meeting RDOF deadlines. According to the Bureaus, they had no indication that “Viasat could or would support” investment in a LEO system “but for the Rural Digital Opportunity Fund.” Ex. I at 3. As an initial matter, the entire purpose of the RDOF auction is to incentivize buildouts of new networks that do not and would not exist absent funding from the auction. Indeed, the stated “goal” of the auction is to “support[t] the buildout of the best possible networks in the most cost-effective manner possible,” RDOF Report & Order, 35 FCC Rcd at 695 ¶ 19, and particularly “to incentivize network buildout” for hard-to-serve areas, *id.* at 700 ¶ 28. But even setting aside whether the Bureaus’ assertion would be disqualifying if true, the Bureaus have never questioned Viasat’s financial capability to build out a network, either in the CAF Phase II auction or based on its detailed financial submissions in the RDOF Phase I auction. Had the Bureaus truly been concerned with Viasat’s financial capability and commitment, they could have raised those concerns prior to the short-form resubmission deadline. That the Bureaus never before raised this concern suggests that casting aspersions on Viasat’s financial commitment is a mere post-hoc rationalization of the Bureaus’ decision to exclude Viasat.

Fourth, the Bureaus cannot exclude Viasat from bidding by questioning its ability “to build, deploy, and operate a LEO network meeting the low latency requirements in the time required.” Ex. I at 3. To be sure, the Commission and the Bureaus have an interest in inquiring into whether RDOF funds will be distributed to providers who can meet the auction buildout times. But insisting on the level of certainty suggested by the Bureaus at the short-form stage is irrational.

According to the Commission's rules, requiring such certainty is more appropriate at the long-form stage after bidding is complete. *See* RDOF Report & Order, 35 FCC Rcd at 717 ¶ 68, 721-22 ¶¶ 78-79. Moreover, the Commission has already adopted procedures disincentivizing unrealistic proposals through an extensive penalty scheme for providers who fail to meet service deadlines. *Id.* at 713-16 ¶¶ 58-64. And the fact that the Commission's rules permit new entrants with little to no operating history to participate in the auction and receive support funding, *see* Public Notice, 35 FCC Rcd at 6095-96 ¶ 55 & n.111, underscores that real-world performance examples from individual applicants are not necessary to show that a provider can realistically meet the auction buildout times. Especially given Viasat's effective participation in the CAF Phase II auction and its extensive submissions here, it is unreasonable to question Viasat's ability to meet the deadlines based on only a vague, conclusory statement that the submissions "were not convincing." Ex. I at 3.

These gaps in the Bureaus' reasoning render its decisions arbitrary and capricious.

D. If Another LEO Provider Has Not Submitted a "Real-World Performance Example" but Has Been Permitted to Bid, the Bureaus Have Arbitrarily Treated Viasat Differently from Similarly Situated Competitors.

It is well settled that auction participants are entitled to "a legally valid procurement process," *Alvin Low Media, Inc. v. FCC*, 571 F.3d 1, 3 (D.C. Cir. 2009)—that is, one that is "fair" and gives the applicant "an opportunity to compete upon valid terms," including by bidding "on an equal basis," *DIRECTV, Inc. v. FCC*, 110 F.3d 816, 829-30 (D.C. Cir. 1997) (quoting *Ne. Fla. Chapter of Associated Gen Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 666 (1993)). That is because "[a]n unfair auction places a bidder at a 'substantial competitive disadvantage.'" *NTCH, Inc. v. FCC*, 950 F.3d 871, 879 (D.C. Cir. 2020) (quoting *DIRECTV*, 110 F.3d at 830). And under the Commission's own "competitive neutrality" principle, "universal service support mechanisms and rules" must not "unfairly advantage nor disadvantage one provider over another."

Federal-State Joint Board on Universal Service, 12 FCC Rcd at 8801 ¶ 47. Ultimately under these principles (and ordinary arbitrary-and-capricious review), the Bureaus must “provide adequate explanation before treating similarly situated parties differently.” *Northpoint Tech., Ltd. v. FCC*, 414 F.3d 61, 75 (D.C. Cir. 2005).

A decision to permit another LEO provider to bid for low-latency LEO satellite service without providing a “real-world performance example” would violate these principles of fairness and constitute arbitrary and capricious agency action. The Letter Order concludes that Viasat’s submissions “did not meet the high threshold for LEO providers selecting low latency” “[s]pecifically” because “there was no ‘real-world performance example’ of Viasat’s low latency service.” Ex. I at 3. Imposing this rule on Viasat but not one of its competitors would be the epitome of arbitrarily “treating similarly situated parties differently,” *Northpoint Tech.*, 414 F.3d at 75, and “unfairly advantag[ing] ... one provider over another,” *Federal-State Joint Board on Universal Service*, 12 FCC Rcd at 8801 ¶ 47.

Of course, the Commission’s auction rules make it impossible for Viasat to know whether the Bureaus have permitted a competitor LEO provider to bid for low-latency service without providing a real-world performance example. *See* 47 C.F.R. § 1.21002; Public Notice, 35 FCC Rcd at 6132 ¶ 152. But neither have the Bureaus provided an “adequate explanation” for such disparate treatment if they have done so. *Northpoint Tech.*, 414 F.3d at 75. Thus, if it is later revealed that the Bureaus did permit another similarly situated competitor to bid for low-latency LEO offerings, the Bureaus’ arbitrary decision may necessitate a reauction of affected census-block groups or other appropriate remedy.

E. The Bureaus Have Arbitrarily Departed from Their Own Stated Procedures.

“It is ‘axiomatic’ ... ‘that an agency is bound by its own regulations.’” *Nat’l Env’tl. Dev. Ass’n Clean Air Project v. EPA*, 752 F.3d 999, 1009 (D.C. Cir. 2014) (quoting *Panhandle E. Pipe*

Line Co. v. FERC, 613 F.2d 1120, 1135 (D.C. Cir. 1979)). “Thus, an agency action may be set aside as arbitrary and capricious if the agency fails to ‘comply with its own regulations.’” *Id.* (quoting *Environmental, LLC v. FCC*, 661 F.3d 80, 85 (D.C. Cir. 2011)). Indeed, “federal agencies [must] follow their own rules, even gratuitous procedural rules that limit otherwise discretionary actions.” *Steenholdt v. FAA*, 314 F.3d 633, 639 (D.C. Cir. 2003).

Here, the Bureaus failed to comply with their own stated procedures providing that they would identify deficiencies in an applicant’s submission and then permit the applicant to correct any deficiencies prior to the resubmission deadline. In its initial deficiency notice to Viasat, the Bureaus stated that Viasat could “request a conference call ... to aid in any technical resubmission” and that the “assigned staff member will respond and confirm a time to discuss [Viasat’s] application.” Ex. B at 1. On that call, the Commission staff further stated that they would follow-up with Viasat regarding its resubmission if there were any issues worth discussing and if time permitted. Ex. C. And when Viasat resubmitted five days early, the assigned staff member assured Viasat that she would “let [Viasat] know if [the FCC’s engineers] have any feedback once they have had a chance to review.” Ex. E. The Bureaus thus operated under the stated practice of identifying deficiencies in an applicant’s short-form submission and affording the applicant an opportunity to resubmit the necessary materials, time-permitting.

The Bureaus failed to follow that practice with Viasat in applying their novel “real world performance example” requirement. At no point during the process did the Bureaus notify Viasat that the absence of a Viasat-specific real-world performance example would be a disqualifying deficiency. The form deficiency letter lacked any detail as to the asserted “missing required network information,” Ex. B at 2, and Commission staff never raised such a requirement in their call with Viasat, Ex. C. And even though Commission staff promised to provide timely feedback

on Viasat's early resubmission, they never followed up on its application to bid based on its low-latency LEO satellite proposal. *See* Ex. F. It was only in denying Viasat's First Petition—shortly before bidding commenced and after it was too late for Viasat to provide supplemental information—that the Bureaus identified this new alleged deficiency in Viasat's application.

To date, the Bureaus have offered no explanation for these hide-the-ball tactics. Viasat has repeatedly demonstrated its diligence in responding to the Commission staff's requests, including fully and completely responding to questions regarding Viasat's terrestrial fixed-wireless offerings that were sent the night before resubmissions were due. Had the Bureaus been forthright in identifying all purported deficiencies in Viasat's application—as they promised they would be—Viasat would have been able to provide supplemental information or argument that could have qualified it to bid. The Bureaus' unexplained and ill-timed departure from its procedural rules, however, deprived Viasat of that chance and was therefore arbitrary and capricious.

IV. The Bureaus' Ineligibility Decision and Letter Order Violate Due Process.

The Bureaus' failure to provide adequate notice of its real-world performance example requirement or an explanation for any differential treatment of similarly situated applicants separately violates the procedural due process and equal-protection components of the Fifth Amendment's Due Process Clause, respectively. *See* U.S. Const. amend. V. An applicant has “a legitimate claim of entitlement, as to which the Due Process Clause affords protection,” where an agency's “implementing regulations place substantive limitations on official discretion to withhold award of the benefit upon satisfaction of the eligibility criteria.” *NB ex rel. Peacock v. Dist. of Columbia*, 794 F.3d 31, 41-42 (D.C. Cir. 2015). The Bureaus' retroactive efforts to supplement the established RDOF eligibility criteria with new substantive criteria deprived Viasat of fair notice and violated fundamental principles of due process. Moreover, those competing for a government benefit can invoke equal-protection rights whenever “the government erects a barrier

that makes it more difficult for members of one group to obtain [that] benefit than it is for members of another group.” *Ne. Fla. Chapter of Associated Gen. Contractors of Am.*, 508 U.S. at 666. To the extent the Bureaus have permitted other LEO applicants to bid for low-latency LEO-based services in the RDOF Phase I auction without a real-world performance example, the Bureaus’ arbitrarily different treatment of similarly situated applicants cannot survive any level of scrutiny.

CONCLUSION

The Bureaus should reconsider their conclusion that Viasat is ineligible to submit bids for low-latency service in the RDOF Phase I auction based on its LEO satellite offerings. Because the bidding has already commenced but is not yet complete, the Bureaus should allow Viasat to begin bidding for low-latency LEO-based service immediately, including in census block groups where it has either not bid or has bid but at a higher tier and latency weight based on a different technology, and should take all necessary steps toward that end. *See supra*, at 6-7 & n.2. In the alternative, they should reacquire any census-block groups won by other bidders based on low-latency LEO satellite bids. In the meantime, the Bureaus should stay any announcement of winning bids based on low-latency LEO satellite offerings—and at a minimum refrain from disbursing RDOF funds to bidders for such service—until Viasat has had an opportunity to exhaust its administrative and judicial remedies.

This request for relief was filed with the Bureau, rather than the full Commission, in an abundance of caution and in light of new revelations about the Bureaus’ decision-making process in the Letter Order. Viasat does not concede that a second petition for reconsideration was necessary prior to seeking further review of the Bureaus’ decision. If Viasat has not received a decision on this petition by November 20, 2020, it will consider the petition denied and may pursue such further review.

REDACTED - FOR PUBLIC INSPECTION

Date: November 9, 2020

Respectfully submitted,

/s/ Helgi C. Walker

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Counsel for Viasat, Inc.

Exhibit K

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Viasat, Inc., Application to Participate in the	)	FRN: 0004963088
Rural Digital Opportunity Fund Phase I)	
Auction (Auction 904))	
)	
)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
Phase I Auction	)	AU Docket No. 20-34
)	
Connect America Fund	)	WC Docket No. 10-90
)	

**DECLARATION OF JOHN P. JANKA IN SUPPORT OF VIASAT, INC.’S
SECOND EMERGENCY PETITION FOR RECONSIDERATION**

1. My name is John P. Janka, Chief Officer, Global Government Affairs & Regulatory at Viasat, Inc. (“Viasat”).

2. For over a decade, Viasat has provided mass-market retail broadband Internet service directly to millions of consumers throughout the United States, generating billions of dollars in revenue. Viasat has extensive experience designing and implementing satellite systems and the earth-station networks they support, including in the low-earth orbit (“LEO”) context.

3. On January 30, 2020, the Commission adopted a framework to govern the Rural Digital Opportunity Fund (“RDOF”) Phase I auction. *RDOF Report & Order*, 35 FCC Rcd 686 (2020).

4. On June 11, 2020, the Commission subsequently issued a public notice establishing filing and eligibility requirements governing the auction. Public Notice, 35 FCC Rcd 6077, 6099-100 ¶¶ 66, 69 (June 11, 2020).

5. The June 2020 notice instructed applicants to provide “operational information” by answering service-related questions for each State in which they intended to bid. *See* 35 FCC Rcd

at 6099-100 ¶¶ 66, 69. As the June 2020 notice explained, the questions were “intended to elicit short, narrative responses” regarding the applicant’s “experience” and “the network(s) it intends to use,” thereby “confirm[ing] that the applicant has developed a preliminary design or business case for meeting the public interest obligations for its selected performance tier and latency combination.” *Id.* at 6100 ¶ 69. Applicants were required to submit “high-level information” to demonstrate eligibility, *id.* at 6099 ¶ 66, and the Commission explicitly rejected calls for more technical detail as too burdensome, *id.* at 6101-02 ¶ 71.

6. The Commission “permit[ted] applicants proposing to use a [LEO] satellite network to apply to bid to offer low latency services based on the intrinsic advantages of [LEO] satellites in providing lower latency services when compared to geosynchronous and medium earth orbit satellites.” *Id.* at 6118 ¶ 111. Noting that the “absence of ... a real-world performance example” for low-latency LEO services left the Commission with “serious doubts that any [LEO] networks will be able to meet the short-form application requirements for bidding in the low latency tier,” *id.*, the Commission suggested that satellite providers discuss latency not just with respect to “[p]ropagation delay” but also “processing, routing, and transporting traffic,” *id.* at 6118 ¶ 112.

7. On July 15, 2020, Viasat timely filed its short-form application. In its short-form application, Viasat sought approval to bid on multiple tier/latency combinations for each State, including low-latency offerings based on LEO satellites. As required by the Commission, Viasat submitted a fulsome response to mandatory questions, as well as two additional Annexes describing at length Viasat’s planned LEO satellite system and how it would meet the auction’s low-latency requirements. In particular, these Annexes detailed the factors that affect the ability of a LEO satellite system to satisfy the Commission’s sub-100 millisecond round-trip latency requirement, and described the various ways in which Viasat has engineered its system to ensure

satisfaction of that requirement—including choices of technology and system design [REDACTED]

[REDACTED]. Viasat’s short-form application and accompanying Annexes are attached to this declaration as Exhibit A.

8. While its application was pending, Viasat continued to develop its LEO network. For example, in preparation for launching its LEO satellite system, Viasat: [REDACTED]

9. On September 1, the Bureaus listed Viasat’s application as “incomplete” and sent Viasat a form deficiency letter stating that its application was “missing required network information” or that “the network information provided ... is insufficient or inconsistent with information contained elsewhere.” The letter did not provide further details about the claimed deficiencies. The deficiency letter is attached to this declaration as Exhibit B.

10. Viasat immediately arranged to discuss the letter with Commission staff in order to understand the basis for the correspondence, meeting with them via teleconference on September 8. At the meeting, Commission staff sought information in four areas related to Viasat’s low-

latency LEO satellite service, including Viasat's proposed latency budget, the effects of spectrum sharing, Viasat's ability to build and operationalize a cost-effective LEO end-user terminal, and Viasat's ability to meet the RDOF service requirements by the applicable deadlines. An email from Marc Agnew, Vice President of Commercial Networks at Viasat, containing his notes from Viasat's September 8 call with Commission staff is attached to this declaration as Exhibit C.

11. Although Viasat had until September 23 to submit revised network information in response to the Bureaus' concerns, it did so on September 18 to give Commission staff ample time to provide feedback on the revised submission, including any remaining deficiencies. Viasat's revised network information submission is attached to this declaration as Exhibit D.

12. Commission staff confirmed that they received the revised information and assured Viasat that they would "let [Viasat] know if [the FCC's engineers] have any feedback once [the engineers] have had a chance to review." The confirmation email is attached to this declaration as Exhibit E.

13. The next Viasat heard from Commission staff was on the evening of September 22—the night before resubmissions were due—when staff identified additional questions regarding Viasat's separate, proposed terrestrial fixed-wireless offerings. Despite having no prior warning, Viasat scrambled to provide the requested information by the September 23 deadline. At no point in this process did Commission staff identify additional deficiencies in Viasat's LEO submissions or otherwise suggest that the revised LEO submissions were not satisfactory. Attached as Exhibit F to this declaration is Viasat's letter to the Bureaus in which Viasat expressed its concern regarding "certain irregularities in the Commission's process for evaluating Viasat's planned fixed wireless offering," and detailing the timeline of the Commission staff's request for additional information.

14. On October 13, 2020, the Bureaus issued a public notice (“Ineligibility Decision”) identifying which applicants were qualified to bid in the RDOF auction and posted its final eligibility determinations to Viasat’s application portal. *See* Public Notice, 386 Applicants Qualified to Bid in the Rural Digital Opportunity Fund Phase I Auction (Auction 904), DA 20-1187 (Oct. 13, 2020); *see also* Order, RDOF Auction (Auction 904), DA 20-1194 (Oct. 13, 2020). The Bureaus found Viasat eligible to bid for high-latency tiers of service based on its geostationary-orbit satellite offerings and for low-latency tiers based on its terrestrial fixed-wireless offerings. But the Bureaus concluded—without any explanation—that Viasat was ineligible to bid based on its low-latency LEO satellite offerings. The Bureaus did not identify any deficiencies in Viasat’s short-form application or otherwise explain its ineligibility determination. Nor did the Bureaus state whether similarly situated LEO competitors were treated in like manner. The Bureaus’ Ineligibility Decision is attached to this declaration as Exhibit G.

15. On October 23, 2020, Viasat filed a confidential Emergency Petition for Reconsideration (“First Petition”) of the Bureaus’ Ineligibility Decision. The First Petition sought an explanation for the Bureaus’ ineligibility determination, expressed concern that the Bureaus may have accorded preferential treatment to similarly situated LEO providers, and sought permission to bid based on Viasat’s low-latency LEO offerings in the RDOF Phase I auction. Viasat’s First Petition is attached to this declaration as Exhibit H. The exhibits to the First Petition have been omitted to avoid duplicating Exhibits A through G of this declaration.

16. On October 27, 2020, two days before bidding commenced, the Bureaus sent a confidential letter (“Letter Order”) denying Viasat’s petition. The Bureaus for the first time faulted Viasat for not providing a “real-world performance example” of its low-latency LEO system and stated that Viasat had not taken “significant steps to deploy successfully a LEO network serving mass-market

retail customers,” or “provide any actual LEO latency test data for a LEO network.” Letter Order at 3. The Bureaus’ Letter Order is attached to this declaration as Exhibit I.

17. Following the Bureaus’ Letter Order, Viasat moved as expeditiously as was reasonably prudent and feasible under the circumstances to prepare its Second Emergency Petition for Reconsideration (“Second Petition”). Given the timing of the Bureaus’ Letter Order and its novel justification, Viasat could not reasonably seek reconsideration before bidding commenced. After evaluating the least disruptive procedural options, researching the applicable substantive law, and conferring with counsel, Viasat determined that its best course was to seek relief in the first instance from the Bureaus before seeking further review of the Bureaus’ decisions. The Second Petition represents Viasat’s diligent efforts to seek prompt and tailored relief from the Bureaus while minimizing disruption of the ongoing RDOF Phase I auction.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on November 9, 2020

/s/ John P. Janka
John P. Janka

Exhibit L

REDACTED - FOR PUBLIC INSPECTION

From: [Mark Montano](#)
To: [Murphy, Chris](#)
Cc: [Janka, John](#); [Walker, Helgi C.](#); [Michael Janson](#)
Subject: RE: Viasat, Inc.'s Request for Confidential Treatment and Second Emergency Petition for Reconsideration
Date: Tuesday, December 22, 2020 2:01:47 PM

Good afternoon.

We are continuing to work on a response to your petition, which we are unlikely to be able to release until after the holidays.

Best wishes for a happy holiday season and new year.

Regards,
Mark Montano

From: Murphy, Chris <Christopher.Murphy@viasat.com>
Sent: Friday, December 18, 2020 3:39 PM
To: Auction904 <Auction904@fcc.gov>
Cc: Janka, John <John.Janka@viasat.com>; Walker, Helgi C. <HWalker@gibsondunn.com>
Subject: Re: Viasat, Inc.'s Request for Confidential Treatment and Second Emergency Petition for Reconsideration

Good afternoon,

On behalf of Viasat, Inc., I am writing to inquire about the status of Viasat's Second Emergency Petition for Reconsideration, filed on Monday, November 9th. Viasat requested a decision on the petition by November 20, 2020, and I last inquired about the status of the petition on that date.

On Monday, November 23, I was told that Commission personnel had received the petition, were working on a response, and hoped to complete it soon. As of today, we have not yet received a response.

Please let me know when we can expect a decision. Thank you for your assistance with this matter.

Sincerely,

Christopher J. Murphy
Associate General Counsel, Regulatory Affairs
Viasat, Inc.
+1.760.798.6448 (m)
christopher.murphy@viasat.com

REDACTED - FOR PUBLIC INSPECTION

From: "Murphy, Chris" <Christopher.Murphy@viasat.com>
Date: Friday, November 20, 2020 at 12:51 PM
To: Auction904 <Auction904@fcc.gov>
Cc: John Janka <John.Janka@viasat.com>, "Walker, Helgi C." <HWalker@gibsondunn.com>
Subject: Re: Viasat, Inc.'s Request for Confidential Treatment and Second Emergency Petition for Reconsideration

Good afternoon,

On behalf of Viasat, Inc., I am writing to inquire about the status of Viasat's Second Emergency Petition for Reconsideration, filed on Monday, November 9th. Due to the time-sensitive nature of Viasat's Second Petition, Viasat stated that it would consider the petition denied if it did not receive a decision by today, November 20, 2020.

Can Viasat expect a decision on the Second Petition by today? If not, we would respectfully request an estimated timeline for the decision.

Sincerely,

Christopher J. Murphy
Associate General Counsel, Regulatory Affairs
Viasat, Inc.
+1.760.798.6448 (m)
christopher.murphy@viasat.com

From: "Murphy, Chris" <Christopher.Murphy@viasat.com>
Date: Monday, November 9, 2020 at 7:16 AM
To: Auction904 <Auction904@fcc.gov>
Cc: John Janka <John.Janka@viasat.com>, "Walker, Helgi C." <HWalker@gibsondunn.com>
Subject: Viasat, Inc.'s Request for Confidential Treatment and Second Emergency Petition for Reconsideration

Good morning:

Attached are the following documents submitted confidentially by Viasat, Inc.:

1. Request for Confidential Treatment of Second Emergency Petition for Reconsideration of Viasat, Inc., and accompanying Declaration of John P. Janka in Support of Viasat, Inc.'s Request for Confidential Treatment; and
2. Second Emergency Petition for Reconsideration of Viasat, Inc., and accompanying Declaration of John P. Janka in Support of Viasat, Inc.'s Second Emergency Petition for

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Reconsideration, with exhibits.

Sincerely,

Christopher J. Murphy

Associate General Counsel, Regulatory Affairs

Viasat, Inc.

+1.760.798.6448 (m)

christopher.murphy@viasat.com

Exhibit M



REDACTED - FOR PUBLIC INSPECTION

Federal Communications Commission
Washington, D.C. 20554

January 15, 2021

UNDER SEAL PURSUANT TO AUCTION 904 PROCEDURES

Christopher Murphy
Viasat
6155 El Camino Real
Carlsbad, CA 92009

Re: Viasat's Second Petition for Reconsideration

Mr. Murphy:

This letter responds to Viasat's second petition for reconsideration requesting that we reconsider certain eligibility determinations regarding Viasat's application to participate in Auction 904.¹ Although we permitted Viasat to bid at all the speed tier and latency (T+L) weights Viasat selected for terrestrial fixed wireless and geosynchronous satellite (GSO) networks, we concluded that Viasat had failed to demonstrate that it was qualified to bid at low latency T+L weights using Low Earth Orbit (LEO) satellite technology. Viasat filed a petition seeking reconsideration of our eligibility decision, which we denied in part, and now Viasat again seeks reconsideration of the same decision. We dismiss and, alternatively, deny Viasat's second petition.

BACKGROUND

In August 2019, the Commission released a Notice of Proposed Rulemaking seeking comment on the policy framework for the Rural Digital Opportunity Fund.² The proposed framework built upon the success of the Connect America Fund Phase II auction (Auction 903)—a 2018 auction in which Viasat won \$122.5 million in support to deploy its high latency GSO network in unserved areas.³ In response to the Notice of Proposed Rulemaking, Viasat filed voluminous comments and various *ex parte* letters relating to, *inter alia*, the appropriate weight for high latency services.⁴

¹ Second Emergency Petition of Viasat, Inc. (filed Nov. 9, 2020) (Second Petition).

² *Rural Digital Opportunity Fund; Connect America Fund*; WC Docket Nos. 10-90, 19-126, Notice of Proposed Rulemaking, 34 FCC Rcd 6778 (2019).

³ *Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced*; FCC Form 683 Due October 15, 2018, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 33 FCC Rcd 8257 (WTB and WCB 2018). Viasat has actively participated in multiple proceedings involving Universal Service Fund support for high cost areas, and we note its history of advocating for post hoc changes to our established technical standards to suit its network deployment. *See, e.g.*, Viasat, Petition for Reconsideration, *In the Matter of the Connect America Fund*, WC Docket No. 10-90 (filed Sept. 19, 2018) (arguing that the Commission should relax the voice performance requirements that applied to the \$122.5 million in support that Viasat won in Auction 903); Viasat, Application for Review, *In the Matter of the Connect America Fund*, WC Docket No. 10-90 (filed Jan. 5, 2015) (seeking waiver of the Commission's rules for the Rural Broadband Experiments program to allow Viasat to offer higher latency services than were required under the program rules).

⁴ *See* Viasat Comments (filed Sept. 20, 2019); Viasat Reply (filed Oct. 21, 2019); *see, e.g.*, Letter from Matthew T. Murchison, Counsel for Viasat, Inc., to Marlene H. Dortch, Secretary, FCC, at 2 (filed Dec. 20, 2019).

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In January 2020, the Commission adopted the Report and Order that established the Rural Digital Opportunity Fund and the framework for the reverse auction that would award funding in Phase I of the fund.⁵ The Report and Order allowed providers of all technologies to participate and prioritized services with higher speed tiers (T) and lower latencies (L) by assigning weights to specified T+L combinations.⁶ While all applicants that qualified for at least one T+L in one state could bid in the auction, in general, an applicant that placed a bid at a T+L with a lower weight in an area would receive more funding in the auction than an identical bid at a higher T+L weight. As such, it was advantageous for an applicant to qualify and bid for low latency, rather than high latency.

In February 2020, the Commission sought comment on the application and bidding procedures for Phase I of the Rural Digital Opportunity Fund, which it designated as Auction 904.⁷ Viasat was an active participant in this proceeding as well, submitting comments that argued, *inter alia*, that all T+L eligibility determinations should be made on a “case-by-case basis” at the short-form application stage.⁸

In June 2020, the Commission adopted the application and bidding procedures for Auction 904.⁹ As part of the application process, each applicant was required to indicate each technology it intended to use to provide each level of service.¹⁰ The Commission further required that for each selected T+L in the application, an applicant “demonstrate that it is reasonably capable of meeting the relevant public interest obligations for each state it selects and to explain how it intends to provision service if awarded support.”¹¹ The Commission delegated to the Wireline Competition Bureau and the Office of Economics and Analytics (WCB/OEA) the authority to determine whether these demonstrations were sufficient based on each applicant’s short-form application and any information submitted to the Commission in other contexts.¹² As the Commission made clear, Commission staff were to use a “case-by-case review approach” that was “based on the totality of circumstances.”¹³ And for certain technologies, the Commission emphasized how important it was for “Commission staff, in making its determinations, [to] rely on concrete examples of the technology being used to offer high speed or low latency service directly to residential consumers.”¹⁴

Underlying the Commission’s decision were key universal service principles. In particular, the Commission stated:

⁵ *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686 (2020) (*Rural Digital Opportunity Fund Order*).

⁶ *Id.* at 702-09, paras. 31-44.

⁷ *Comment Sought on Competitive Bidding Procedures and Certain Program Requirements for the Rural Digital Opportunity Fund Auction (Auction 904)*, Public Notice, 35 FCC Rcd 2295 (2020).

⁸ Viasat Comments at 6 (filed Mar. 27, 2020); Viasat Reply (filed Apr. 10, 2020).

⁹ *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, 35 FCC Rcd 6077 (2020) (*Auction 904 Procedures Public Notice*).

¹⁰ *Id.* at 6098, para. 63.

¹¹ *Id.* at 6100, para 67.

¹² *Id.* at 6098, 6110, paras. 62, 92.

¹³ *Id.* at 6112, para. 97.

¹⁴ *Id.* at 6112-13, 6124, paras. 98, 125.

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Consistent with our policy of technological neutrality for voice and broadband services assigned support by Auction 904, we remain committed to the general case-by-case review approach that the Commission used in the CAF Phase II auction to review short-form applications. One of our main objectives is to maximize the impact of finite universal service resources by awarding support to those providers that will make the most efficient use of budgeted funds. Our case-by-case approach furthers this objective by giving service providers the opportunity to make a case based on their specific plans that they can meet the relevant performance obligations even if they themselves have not necessarily deployed broadband yet at those speeds. Such an approach allows us to stretch our universal service dollars further to serve more consumers because new competitors offering service using proven technologies may be less expensive to deploy than the fiber networks that received support through the CAF Phase II auction to offer Gigabit service.¹⁵

In addition, the Commission provided more specific guidance to WCB/OEA on how to judge applicant submissions for particular technologies, including LEO satellite networks. The Commission warned: “[S]ome technologies lack demonstrated capabilities to perform at certain speed and latency combinations—and we generally do not find it prudent to authorize bidding for performance tier/latency/technology combinations that lack a proven track record of deployment at the speeds and latencies we expect will actually occur.”¹⁶ Because of its concerns about the use of LEO satellite technology, the Commission initially sought comment on whether it should categorically exclude reliance on such technology. While it ultimately decided not to do so, it expressed “serious doubts” about LEO satellite applicants’ ability to demonstrate their qualifications to bid in a low-latency tier. In particular, the Commission stated:

We are, however, unaware of any low earth orbit network capable of providing a mass market retail broadband service to residential consumers that could meet the Commission’s 100 [millisecond (ms)] round-trip latency requirements. In the absence of such a real-world performance example, Commission staff could not conclude at this time that such a short-form applicant is reasonably capable of meeting the Commission’s low latency requirements.¹⁷

Furthermore, the Commission expressed “skeptical[ism]” that the altitude of LEO satellites is determinative of an applicant’s ability to achieve low latency and concluded that providers “will face a substantial challenge demonstrating to Commission staff that their networks can deliver real-world performance to consumers below the Commission’s 100 ms low-latency threshold.”¹⁸ It also noted the Commission’s intention to ensure the satisfaction of its universal service goals by minimizing the risk of bidder defaults, through “Commission staff review,” as well as an applicant’s due diligence and its

¹⁵ *Id.* at 6112, para. 97.

¹⁶ *Id.* at 6112-13, para. 98. Viasat seeks to characterize the Division Letter’s discussion of a real-world performance example as the Bureau adopting a new requirement that exceeded the Bureau’s delegated authority, or, alternatively, as a “legislative rule” that required further Commission action. Second Petition at 7-13. As the text of the *Auction 904 Procedures Public Notice* makes clear, the Commission itself discussed the importance of a real-world performance example, and WCB/OEA’s analysis was consistent with the Commission’s direction.

¹⁷ *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6118, para. 111.

¹⁸ *Id.* at 6118, para. 112.

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certification of its ability “to meet the requirements for the performance tier and latency combinations . . . select[ed].”¹⁹

Moreover, when addressing technologies yet to be deployed, the Commission stated that it was “guided by [its] obligation to preserve the Universal Service Fund and do[es] not want winning bidders and support recipients to default and strand consumers with no service, unreliable service, or with service that is not reasonably comparable to service offered in urban areas.”²⁰

The Auction 904 short-form application filing window was open from July 1 to July 15, 2020. During this time, Viasat applied to participate in Auction 904, seeking to bid at high latency T+L weights with its existing GSO satellite network and at low latency T+L weights via separate terrestrial fixed wireless and LEO satellite networks that were not yet built. During July and August 2020, Commission staff reviewed the 505 applications that were submitted.

On September 1, 2020, WCB/OEA released a Public Notice announcing which applications were accepted for filing and complete, meaning the applicant would become a qualified bidder for each of the T+L combinations it selected in each state, and which were incomplete, meaning the applications did not provide all the required information and/or the applicant was not deemed qualified to bid for all T+L combinations it selected.²¹ On that same day, applicants with applications designated as incomplete were sent letters that identified the deficiencies in the application and explained the procedures for the resubmission period in which applicants could supplement their applications to attempt to address such deficiencies. Applicants were not permitted to submit any additional information for WCB/OEA’s consideration once the resubmission period closed on September 23, 2020.²²

WCB/OEA initially found Viasat’s application to be incomplete based on Viasat’s technical qualifications. Viasat’s technical submission for its terrestrial fixed wireless network was initially determined to be sufficient, but its submissions for both its GSO and LEO satellite networks were not. During the resubmission period, WCB/OEA staff spoke with Viasat on multiple occasions to answer its questions about improving its application. Before the resubmission period ended, Viasat supplemented its application and submitted revised network information attachments. Viasat’s resubmitted application continued to seek to qualify for three independent networks—GSO at high latency and LEO and terrestrial fixed wireless at low latency—and asserted that each network could provide service independently if it won support.

After the resubmission period ended, WCB/OEA staff reviewed all of the resubmitted applications. On October 13, 2020, the Commission announced the conclusion of the short form

¹⁹ *Id.* at 6112, para. 97.

²⁰ *Id.* at 6113, para. 98.

²¹ *Rural Digital Opportunity Fund Phase I Auction Status of Short-Form Applications to Participate in Auction 904; Corrections due September 23, 2020*, Public Notice, 35 FCC Rcd 9875 (WCB/OEA 2020) (*Auction 904 Status Public Notice*).

²² *See Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6144, para. 198; *Auction 904 Status Public Notice*, 35 FCC Rcd at 9876, para. 5 (“To become a qualified bidder for Auction 904, each applicant must resubmit its application, having corrected any deficiencies, **prior to 6:00 p.m. ET on Wednesday, September 23, 2020.**”) (emphasis in original).

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application process and identified the 386 applicants ultimately found qualified to bid in the auction.²³ To bid, an applicant must have demonstrated its qualifications for at least one T+L for at least one technology in at least one state. Each qualified bidder could view in the application system the particular T+Ls in each state for which it could place bids. WCB/OEA found Viasat qualified to bid at every T+L for which Viasat had applied based on Viasat's showings of technical feasibility of its high-latency GSO and low-latency terrestrial fixed wireless networks. Thus, Viasat could bid at the low latency weights in the auction and could win as much funding as any other bidder competing at the same T+L for the same Census Block Group (CBG). Viasat, however, had not demonstrated that it was qualified for its proposed low latency LEO satellite network.

On October 23, 2020, Viasat filed a petition for reconsideration of the eligibility determination pertaining to its proposed LEO satellite network.²⁴ Among other things, Viasat's first petition highlighted the merits of its proposed LEO satellite network and sought an explanation for WCB/OEA's eligibility determination.

On October 27, 2020, the Auctions Division granted in part Viasat's petition by providing the explanation that it sought, but otherwise denied Viasat's arguments that it should be approved to bid for a low latency LEO satellite network.²⁵ The Division Letter explained the rationale for WCB/OEA's eligibility decision as follows:

Specifically, there was no "real-world performance example" of Viasat's low latency service. Viasat did not make a showing that it had taken significant steps to deploy successfully a LEO network serving mass-market retail customers. Building and deploying a LEO network from the beginning stage, as in Viasat's case, to provide mass-market service would require a very large, sustained financial investment to reach the point of being able to serve even a single customer. There was no indication provided that Viasat could or would support such investment but for the Rural Digital Opportunity Fund, which is the type of risky venture this phase of the fund is not intended to support. Viasat also did not provide any actual LEO latency test data for a LEO network and Viasat's engineering plans—without other demonstrated concrete steps towards deployment—were not convincing enough that it would be in a position to build, deploy, and operate a LEO network meeting the low latency requirements in the time required.²⁶

Bidding in Auction 904 commenced on October 29, 2020. Eleven days after receiving the Division Letter—on November 9, 2020—Viasat filed a second petition for reconsideration.²⁷ The Second Petition again challenges the eligibility determination regarding Viasat's LEO satellite network and sought a ruling within an exceptionally short eight business days (i.e., by November 20), notwithstanding our focused efforts to administer bidding in Auction 904 during that time.²⁸ Viasat insists that our determination was invalid and therefore, we must reverse our decision and find Viasat

²³ *386 Applicants Qualified to Bid in the Rural Digital Opportunity Fund Phase I Auction (Auction 904)*, Public Notice, 35 FCC Rcd 11356 (WCB/OEA 2020).

²⁴ Emergency Petition for Reconsideration of Viasat, Inc. (First Petition).

²⁵ *Viasat's Emergency Petition for Reconsideration*, Letter Order, (OEA/AD Oct. 27, 2020) (Division Letter).

²⁶ *Id.* at 3.

²⁷ Second Petition.

²⁸ *Id.*

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eligible for low latency T+Ls with LEO satellite technology.²⁹ As remedial measures, Viasat offers various approaches to insert itself into the auction, including a proposal to re-auction certain census block groups won by “other bidders based on low latency LEO satellite bids.”³⁰ Despite calling for a new auction to accommodate its specific interests, Viasat characterizes its latest petition for reconsideration as “the least disruptive procedural option.”³¹

Bidding in Auction 904 concluded on November 25, 2020. During the auction, Viasat bid on numerous CBGs at the T+Ls for which its GSO network was found eligible, but Viasat did not place any bids for any low latency T+Ls for which it qualified. Ultimately, Viasat did not win any support in the auction.³²

Viasat’s second petition argues the eligibility determination exceeded the authority the Commission delegated to WCB/OEA to review applications, that the decision was arbitrary and capricious, and that the decision was an unconstitutional violation of Viasat’s due process rights. We address each argument below.

DISCUSSION

I. Viasat’s Second Petition Is Repetitious and Therefore Dismissed

As a threshold matter, Viasat’s second petition for reconsideration is procedurally improper as it seeks to revisit WCB/OEA’s eligibility determination for Viasat’s proposed LEO satellite network after WCB/OEA denied Viasat’s first petition on this very issue. The Commission’s rules make clear that repetitive petitions for reconsideration based on the same facts and arguments may be summarily dismissed.³³

Viasat’s first petition recited Viasat’s purported qualifications to deploy a low latency LEO satellite network, raised Administrative Procedure Act (APA) arguments concerning WCB/OEA’s eligibility determination, and asked WCB/OEA to “reconsider their conclusion that Viasat is ineligible to submit bids for low-latency service in the RDOF Phase I auction based on its LEO satellite offerings and permit Viasat to submit such bids.”³⁴ Viasat’s second petition does the same. Accordingly, we dismiss it as repetitive.

We recognize that the two petitions are not identical. Viasat has added 16 pages of what could be viewed as additional facts (or at least, repackaged facts), as well as numerous new APA and constitutional legal arguments in its second petition. But those additions do not warrant another bite at the apple as the Commission’s rules do not allow for a new petition for reconsideration even in such

²⁹ *Id.* at 6-7, 25.

³⁰ *Id.*

³¹ *Id.*, Decl. of John P. Janka ¶ 17.

³² Another GSO network provider bidding at a high latency T+L won a significant amount of support, thus demonstrating that high latency T+L weights were not intrinsically disqualifying to bidders.

³³ *See, e.g.*, 47 CFR § 1.106(c)(3) (“A petition for reconsideration of an order denying an application for review which fails to rely on new facts or changed circumstances may be dismissed by the staff as repetitious.”); *id.* § 1.106(p)(8) (permitting dismissal of petitions for reconsideration that “relate to an order for which reconsideration has been previously denied on similar grounds”).

³⁴ First Petition at 6-9.

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circumstances. Section 1.106(c) allows for our consideration of new facts or arguments only in limited circumstances that do not apply here. As discussed, no new facts brought to WCB/OEA after the deadline for the resubmission of applications on September 23, 2020 can be considered in WCB/OEA's eligibility determination.³⁵ Nor do we consider it to be in the public interest to consider any new or additional facts put forward by Viasat well after all qualified bidders were identified and bidding began in Auction 904. Even if new facts showed that Viasat now has deployed a low-latency LEO satellite network and thus has a real-world performance example, re-doing the auction at this stage would be highly burdensome to both the Commission and all other bidders and significantly delay the deployment of broadband to unserved areas.

For the same reasons, newly crafted legal arguments that are untethered to permissible new facts are insufficient to support a second petition for reconsideration under section 1.106(c). Otherwise, petitioners could hold back legal arguments to assert in future petitions for reconsideration, and well-established equitable principles such as waiver would be rendered meaningless. We do not consider the Division Letter and the rationale for the decision therein to be a new fact in the context of section 1.106. For these reasons, we dismiss Viasat's second, repetitive petition.

II. Viasat's Belated Advocacy Regarding the Commission's Application Process Is Improper

Viasat's petition is also untimely to the extent it includes collateral attacks on the Commission's decisions in the *Auction 904 Procedures Public Notice* pertaining to the application process. Those application procedures were adopted after notice-and-comment rulemaking, in which Viasat had the opportunity to, and did in fact, comment extensively, and Viasat failed to file a timely petition for reconsideration of the public notice adopting those procedures.

As detailed above, the Commission decisions in the *Auction 904 Procedures Public Notice* that Viasat only now takes issue with include:

- The Commission enacted a “case-by-case” review approach to short-form applications that gave Commission staff wide latitude to apply their expertise to make judgments regarding eligibility. Notably, as in Auction 903, the Commission did not spell out all the factors that Commission staff should consider or enumerate the standards that a provider of each technology would have to meet to qualify.³⁶
- The Commission issued cautionary guidance for WCB/OEA's review of applications seeking to qualify for low latency with a LEO satellite network and discussed the importance of a real-world performance example to the eligibility determination.³⁷ The Commission also required information regarding an

³⁵ See *supra* note 22.

³⁶ Significantly, no commenter asked this of the Commission. That is because such an effort is infeasible, given the multitude of technologies and network designs an applicant could choose. A prescriptive, one-size-fits-all approach would simply not work for an analysis of technological qualifications, particularly in this auction with over 500 applicants that selected thousands of T+L/technology/state combinations.

³⁷ Viasat mischaracterizes the Division Letter's discussion of a real-world performance example as the adoption of a new requirement that exceeded the WCB/OEA's authority, or, alternatively, as a “legislative rule” that required further Commission action. Second Petition at 7-13. WCB/OEA enacted no such requirement when it determined Viasat's—and every other applicant's—eligibility. Instead, WCB/OEA straightforwardly applied the

Mr. Christopher Murphy

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applicant's FCC Form 477 filings for WCB/OEA's consideration of whether an applicant itself has a real-world performance example of deploying the technology selected in the application.³⁸

- The Commission adopted application review processes consistent with those in Auction 903, including those for review of short-form applications; the letter notice of application deficiencies; detailed, oral feedback from Commission staff during the resubmission period; and the final determination of an applicant's qualifications following that period.³⁹

Viasat could have sought reconsideration of the portions of the *Auction 904 Procedures Public Notice* that it now contests, but it did not.⁴⁰ Petitions for reconsideration in rulemaking proceedings must be filed within 30 days of the effective date of the rules.⁴¹ Accordingly, Viasat's second petition constitutes an untimely and improper request for reconsideration of the rulemaking that established the application procedures for Auction 904 and is denied.

III. WCB/OEA's Eligibility Determination Was Not Arbitrary or Capricious

For the reasons stated in the Division Letter, Viasat's application did not demonstrate that it was reasonably capable of meeting the relevant public interest obligations for low latency with its proposed LEO satellite network.⁴² Viasat sets forth various arguments in its petition for why WCB/OEA's eligibility determination was arbitrary and capricious and thus should be reconsidered. None is persuasive, and we address each in turn.

First, we reject Viasat's argument that in denying its application to bid for subsidies for its proposed LEO satellite network, WCB/OEA failed to consider the principles of universal service.⁴³ In asserting this argument, Viasat makes the general case for subsidizing satellite networks and faults the Division Letter for not explicitly referencing universal service in its decision. As discussed above, Viasat's advocacy regarding the policy framework and application process for Auction 904 is untimely and improper, particularly when the Commission fully addressed the pertinent universal service

Commission's decisions, considering the Commission's cautionary guidance relating to low latency LEO satellite networks. Applying a Commission-determined review approach to Viasat's short-form application was a highly individualized inquiry into Viasat's eligibility, focusing on the facts presented by Viasat in its application—not the promulgation of generally applicable, policy-type standards that would apply to all applicants and thus require notice and comment.

³⁸ See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6110, paras. 92-93.

³⁹ As a winning bidder in Auction 903, Viasat submitted network descriptions in both its short-form and long-form applications and went through the same review processes by Commission staff. As a result, Viasat was well versed in the application processes the Commission adopted for Auction 904, including the process of case-by-case review of each applicant.

⁴⁰ Viasat's comments arguing that the Commission should not prejudge any technology's ability to qualify for a particular service tier (Viasat Comments at 5) conflict with the Commission's skepticism regarding LEO satellite networks qualifying for low latency.

⁴¹ 47 CFR § 1.429(d).

⁴² See *supra* page 5.

⁴³ Second Petition at 14-16.

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principles as applied to LEO satellite networks in the *Auction 904 Procedures Public Notice*.⁴⁴ In any event, the Division Letter explained the rationale for a decision regarding Viasat's specific application to bid for universal service support.⁴⁵ Contrary to Viasat's argument, the Division Letter specifically noted that funding Viasat's LEO satellite network was "the type of risky venture this phase of the [high-cost universal service] fund is not intended to support."⁴⁶ Viasat's belated advocacy and misplaced criticism do not warrant reconsideration of our eligibility decision.

Second, we reject Viasat's argument that the Division Letter's discussion of a real-world performance example departed from the Commission's rules without notice.⁴⁷ Reprising and repackaging this argument, Viasat now suggests that it was caught completely unaware when the Division Letter discussed the same skepticism as the Commission regarding the absence of a real-world performance example in Viasat's application. Any surprise is wholly unwarranted when the Commission clearly stated this concern in the *Auction 904 Procedures Public Notice*.⁴⁸ Viasat had ample opportunity to seek reconsideration of that decision, but it chose not to do so.

Third, we reject Viasat's suggestion that we were required to qualify its proposed network if another applicant provided a real-world performance example of a low latency LEO satellite network, then Viasat's proposed network had to be approved.⁴⁹ The short-form application review process is a multi-faceted process in which staff review hundreds of applications to determine, based upon the

⁴⁴ See, e.g., *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6112-13, paras. 97-98 (noting that the Commission was "guided by [its] obligation to preserve the Universal Service Fund and do[es] not want winning bidders and support recipients to default and strand consumers with no service, unreliable service, or with service that is not reasonably comparable to service offered in urban areas").

⁴⁵ We acknowledge that in general, satellite networks may help close the digital divide, but that does not mean that concluding that Viasat's proposed LEO satellite network was eligible for low latency should have been a "no-brainer" as Viasat claims (Second Petition at 16). Nowhere in the *Auction 904 Procedures Public Notice* does the Commission establish a reduced standard of review for satellite providers or indicate that approval of one satellite technology in any application would necessitate approval of all others. To the contrary, the Commission placed limits on *all* satellite providers' ability to select the Gigabit performance tier and required that we closely review applications with proposed LEO satellite networks that selected low latency, which is what we did here. Moreover, such providers' existing deployments of GSO satellites do not mean that their proposed construction of low latency LEO satellite networks should receive a less rigorous review, as Viasat appears to suggest. Second Petition at 19.

⁴⁶ Division Letter at 3. Viasat takes issue with this aspect of the Division Letter, arguing that it cast undeserved doubt on the financial viability of Viasat's LEO satellite network by suggesting it was too risky to fund in this phase of the high-cost universal service fund. Second Petition at 20. Viasat argues that the purpose of high-cost universal service funding is to fund new networks. *Id.* But this argument implicitly recognizes that staff considered universal service principles when considering Viasat's application; Viasat's objection, then, is not that universal service principles were not considered, but that WCB/OEA did not agree with Viasat about how those principles should be applied in this phase of the fund. In any event, there is a fundamental difference in risk between providing universal service support to an existing network provider expanding its footprint to cover unserved areas and an entity trying to launch a new network utilizing technology that has not been widely deployed or accepted by residential consumers nor proven to deliver low latency (or to meet other public interest obligations). The Commission is well within its discretion to consider this risk when awarding universal service funds. See *In Re: FCC 11-161*, 753 F.3d 1015, 1143 (10th Cir. 2014) (holding that "the FCC has broad discretion to balance competing policy goals" in funding universal service).

⁴⁷ Section Petition at 16-18.

⁴⁸ See *supra* page 3.

⁴⁹ Second Petition at 18-19 (claiming that the Commission's concerns are "fully assuaged" by the mere existence of a single example of low latency).

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totality of the circumstances in each case, which applicants may bid in the auction at which T+L weights. Each application must stand on its own, and a decision is made about whether that applicant should be qualified to bid at each weight. The viability of one applicant's proposal does not mean that every other applicant's proposal using the same or similar technology is similarly viable. Indeed, Viasat argued against this very approach in the proceeding.⁵⁰ Viasat's disappointment with its own eligibility determination does not give it license to question the eligibility determinations of every other applicant.

Fourth, we decline Viasat's invitation to give it a window into the contents of other applicants' confidential short-form applications.⁵¹ As shown by the now publicly available short-form application information, four applicants initially sought to qualify to bid using a LEO satellite network, and only one was approved to bid in a low-latency T+L.⁵² Viasat speculates, without evidence, that another applicant may not have met the standards the Commission adopted in the *Auction 904 Procedures Public Notice* and therefore may have received inconsistent treatment. Viasat's argument does not diminish the fact that its own application failed to demonstrate its qualifications for a low-latency LEO satellite network, and its unsubstantiated speculation as to whether another applicant could have demonstrated real-world performance is insufficient to warrant relief here.

Fifth, we reject Viasat's argument that WCB/OEA impermissibly departed from existing procedures by not spelling out for Viasat every deficiency with its application during the resubmission period.⁵³ Viasat claims that if every deficiency were identified, it could have provided additional information "or argument" about its qualifications.⁵⁴ But this is a mistaken view of the application procedures. Commission staff diligently work with applicants to identify deficiencies and help them with the application process. It is the Commission's regular practice that staff make clear to applicants that (1) they cannot tell applicants what they must submit or how they should correct their deficiencies, and (2) anything they say does not supersede what the Commission has said. It is incumbent upon an applicant to submit sufficient proof of its own qualifications.⁵⁵ Staff redirect the applicant to the Commission-level documents which, in this case, provided Viasat with clear notice of the importance of a real-world performance example to the eligibility determination. Even in the absence of a discussion of a real-world performance example, that could not be prejudicial if as Viasat concedes, it was unable to

⁵⁰ In its comments, Viasat expressly cautioned that the Commission should not rely on a "single filing from one [] emerging operator" to reach any conclusions with respect to a LEO satellite network achieving low latency. Viasat Comments at 6-8 (urging the review of the "specific network at issue, in its entirety").

⁵¹ Second Petition at 21.

⁵² See generally <https://auctionfiling.fcc.gov/form175/search175/index.htm>. As has been publicly reported, these four applicants were not similarly situated regarding deployment of a LEO satellite network that could provide low latency service. Compare Michael Sheetz, "SpaceX's Starlink internet shows fast speeds during early tests, capable of gaming and streaming," CNBC.com (Sept. 3, 2020), <https://www.cnbc.com/2020/09/03/spacex-starlink-satellite-internet-network-early-tests-show-fast-speeds.html> (reporting on SpaceX's low latency test results from its existing LEO network) with Caleb Henry, "Viasat, lured by broadband subsidy opportunity, eyes 300-satellite LEO constellation," Space News (May 28, 2020), <https://spacenews.com/viasat-lured-by-broadband-subsidy-opportunity-eyes-300-satellite-leo-constellation/> (discussing Viasat's interest in building a LEO satellite network if it were able to win support in Phase II of the Rural Digital Opportunity Fund). Thus, Viasat's argument that it was treated differently from similarly situated competitors is erroneous.

⁵³ Second Petition at 23.

⁵⁴ *Id.* at 24.

⁵⁵ In fact, in the Commission's standard auction applications process, it is never guaranteed that an applicant can correct every deficiency in an application, particularly in auctions for universal service support where applicants must meet technical and financial qualifications.

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make such a demonstration.⁵⁶ Accordingly, Viasat's complaints about the outcome of WCB/OEA's review do not mean that the process was not followed.⁵⁷

For these reasons, we deny Viasat's claim that its eligibility decision regarding its LEO satellite network was arbitrary and capricious.

* * *

This action is taken under delegated authority pursuant to sections 0.271 and 0.291 of the Commission's rules. We note that Viasat's first petition and second petition contain competitively sensitive information, including information that is non-public pursuant to the Commission's limited information disclosure procedures. Accordingly, any further filings by Viasat could contain similar information, and Viasat should consider submitting any further filing with a request that the filing or pertinent portions of it be withheld from public inspection by following the procedures specified in section 0.459 of the Commission's rules.

Sincerely,



Jonathan M. Campbell
Chief, Auctions Division
Office of Economics and Analytics

⁵⁶ We note that the steps toward deployment Viasat considers to be significant (Second Petition at 13; Janka Decl. ¶ 8) still have not resulted in Viasat's deployment of a LEO satellite network four months after the close of the resubmission period.

⁵⁷ Viasat also claims that the eligibility decision violated its Fifth Amendment right to due process and equal protection. Second Petition at 24-25. These claims are also meritless. With respect to due process, Viasat repeats the claims that WCB/OEA enacted a new substantive requirement for eligibility of which Viasat had no notice. *Id.* at 24. As explained above, there was no enactment of a new requirement, and Viasat had sufficient notice that the existence of a real-world performance example would be considered in the context of an eligibility determination for a proposed LEO satellite network. With respect to equal protection, as explained above, Viasat was not treated differently from any similarly situated applicant, much less in any way that would invoke the rigorous standard of equal protection review.